

Minutes 26th August 2008



Minutes of Ordinary meeting of the Port Stephens Council held in the Council Chambers, Raymond Terrace on 26th August 2008, commencing at 5.50pm.

PRESENT: Councillors R. Swan (Mayor); S. Dover (Deputy Mayor); H. Brown; G. Dingle; G. Francis; J. Hodges; K. Jordan; J. Nell; G. Robinson; S. Tucker, R. Westbury; General Manager; Acting Group Manager – Corporate Services, Facilities and Services Group Manager; Sustainable Planning Group Manager; Acting Commercial Services Group Manager.

212	Councillor Jordan Councillor Hodges	It was resolved that the confirmation of minutes be deferred to the end of the meeting to be dealt with in Confidential session.
-----	--	--

INDEX

SUBJECT PAGE NO

MOTION TO CLOSE 5

1. MOTION TO CLOSE MEETING TO THE PUBLIC 6

OPERATIONS COMMITTEE RECOMMENDATIONS 7

1. PORT STEPHENS COUNCIL VOLUNTEER STRATEGY FRAMEWORK..... 9
2. 2007/2008 GENERAL PURPOSE FINANCIAL REPORTS AND SPECIAL PURPOSE FINANCIAL REPORTS 33
3. TEMPORARY SUSPENSION OF SECTION OF SHOAL BAY CBD ALCOHOL-FREE ZONE (AFZ) 38
4. PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – PROHIBITION OF “DEPOTS” IN THE RURAL 1(A) ZONE 42
5. WILLIAMTOWN DEFENCE AND AIRPORT RELATED EMPLOYMENT ZONE..... 58
6. DEVELOPMENT ASSESSMENT SERVICE DELIVERY 68
7. ENVIRONMENTAL NOISE POLICY..... 74
8. LOCAL TRAFFIC COMMITTEE MEETING – 1ST JULY, 2008 93
9. ANNA BAY DRAINAGE UNION ACID SULFATE SOILS PLAN OF MANAGEMENT..... 116
10. QUARTERLY BUDGET REVIEW AS AT 30 JUNE 2008..... 131
11. GWH BUILDING PTY LIMITED V GREAT LAKES COUNCIL – KARUAH HIGHWAY SERVICE CENTRE PROPOSAL 139
12. INFORMATION PAPERS 150

OPERATIONS COMMITTEE INFORMATION PAPERS..... 151

1. PETITION – FLEXIBLE CHILD CARE FOR RAYMOND TERRACE 152
2. CASH AND INVESTMENTS HELD AT 30 JUNE 2008..... 153
3. PETITION – DO YOU WANT TO SAVE OUR FAMILY HISTORY CENTRE?..... 158
4. INSURANCE RENEWALS 2008 - 2009..... 159
5. ABORIGINAL STRATEGIC COMMITTEE MEETING WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL 161
6. ACCESS COMMITTEE MINUTES..... 166
7. DETERMINED AND UNDETERMINED DEVELOPMENT APPLICATIONS 170
8. PORT STEPHENS FUTURES STRATEGY 191
9. VALUATION INCREASE..... 196
10. PETITION – NO BAN ON SECOND HOMES ON RURAL LAND 199

STRATEGIC COMMITTEE RECOMMENDATIONS 200

1. CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT 201
2. QUARTERLY REPORTS FOR 2008 JUNE QUARTER: COUNCIL PLAN 2007-2011 INCORPORATING PERFORMANCE MEASUREMENT (COCKPIT CHARTS) 208
3. FINANCIAL ASSISTANCE UNDER SECTION 356 OF THE LOCAL GOVERNMENT ACT 1993 211

GENERAL MANAGER'S REPORT.....255

1. TEMPORARY SUSPENSION OF SECTION OF NELSON BAY CBD ALCOHOL-FREE ZONE (AFZ) 256
2. INCREASE IN LOCAL GOVERNMENT ASSOCIATION (LGA) & AUSTRROADS MEMBERSHIP 2008-2009 260
3. REQUEST FOR FINANCIAL ASSISTANCE..... 262
4. SISTER CITIES 266
5. INFORMATION PAPERS 268

GENERAL MANAGERS INFORMATION PAPERS.....269

1. 2006-07 HUNTER VALLEY RESEARCH FOUNDATION – ANNUAL REPORT 270
2. PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2000 TO REZONE LAND – NELSON BAY ROAD FULLERTON COVE 271
3. SUMMARY OF LEGAL MATTERS 2006-2008 – DEVELOPMENT & BUILDING 273

NOTICES OF MOTION.....276

1. CONSTRUCTION OF A CROQUET COURT AT RAYMOND TERRACE..... 277
2. CONSTRUCTION OF RAYMOND TERRACE SENIOR CITIZENS CENTRE..... 279
3. ESTABLISHING A MEN'S SHED IN RAYMOND TERRACE..... 280
4. SEALED TOWN CENTRE PARKING IN RAYMOND TERRACE..... 281
5. INDOOR HEATED POOL..... 282
6. CREATE A MASTERPLAN FOR ROSS WALLBRIDGE PARK 283

COMMITTEE RECOMMENDATIONS

The Committees met on the 5th & 12th August, 2008 and make the following recommendations to Council.

COMMITTEE	PRESENT	TIME
Strategic Committee	Councillors Swan, Nell, Francis, , Dingle, Westbury, Dover, Hodges & Brown, and Messrs Gesling, Triglar & Broyd & Ms Shine Apology: Crs Robinson, Tucker, Jordan	5 th August 2008 Commenced: 6.07pm Concluded: 8.10pm
Operations Committee	Councillors Swan, Nell, Tucker, Francis, Robinson, Jordan, Dingle, Westbury, Dover, Hodges & Brown, and Messrs Gesling, Flannery, Triglar & Broyd & Ms Shine Apology: Nil	12 th August, 2008 Commenced 6.10pm Concluded 7.52pm

MOTION TO CLOSE

ITEM NO. 1

FILE NO: PSC2005-3701

MOTION TO CLOSE MEETING TO THE PUBLIC

REPORT OF: JUNE SHINE – ACTING GROUP MANAGER – CORPORATE SERVICES

RECOMMENDATION:

- 1) That pursuant to section 10A(2)(d) of the Local Government Act, 1993, the Committee and Council resolve to close to the public that part of its meeting to discuss Confidential Item 1 on the Ordinary agenda namely **Tender T21-2008 – Birubi Point Surf Club Function Centre Design Services.**

- 2) That the reasons for closing the meeting to the public to consider this item be that:
 - i) The report and discussion will include details of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the tenderers; and
 - ii) In particular, the report includes confidential pricing information in respect of the **Tender T21-2008 – Birubi Point Surf Club Function Centre Design Services.**

- 3) That on balance, it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential commercial information could compromise the commercial position of the tenderers and adversely affect Council's ability to attract competitive tenders for other contracts.

- 4) That the report and minutes of the closed part of the meeting are to remain confidential and that Council makes public its decision including the name and amount of the successful tenderer in accordance with Clause 179) of the Local Government (General) Regulation 2005.

213	Councillor Hodges Councillor Jordan	It was resolved that the recommendation be adopted.
------------	--	--

**OPERATIONS
COMMITTEE
RECOMMENDATIONS**

ORDINARY MEETING – 26 AUGUST 2008

MOTION:

Moved Cr Dingle Seconded Cr Tucker

Defer Item 3 – Financial Assistance under Section 356 of the Local Government Act and Item 5 – Williamstown Defence and Airport related employment zone to be dealt with by the new incoming Council.

The Motion on being put was lost

AMENDMENT:

Moved Cr Hodges Seconded Cr Nell

Defer Item 3 – Financial Assistance under Section 356 of the Local Government Act.

The amendment on being put was lost.

ITEM NO. 1

FILE NO: PSC2006-6673

PORT STEPHENS COUNCIL VOLUNTEER STRATEGY FRAMEWORK

REPORT OF: JASON LINNANE - RECREATION SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the Port Stephens Council Volunteer Strategy Framework (ATTACHMENT 1)
- 2) Adopt the Key Strategic Directions for Category 'A' Volunteers (ATTACHMENT 2)
- 3) Accept further report for Volunteer Strategy Categories 'B', 'C', 'D' and 'E' Volunteers

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

214	Councillor Nell Councillor Hodges	It was resolved that the recommendation be adopted.
-----	--------------------------------------	---

MATTER ARISING:

215	Councillor Dover Councillor Hodges	That Council provide a report on removing restrictions from 355B Committee members using domestic mowers and whipper snippers whilst working on Council reserves.
-----	---------------------------------------	---

RESOLUTION:

216	Councillor Robinson Councillor Brown	It was resolved that the Ordinary meeting of 26 August 2008 be suspended at 6.35pm for scheduled presentation.
-----	---	--

BACKGROUND

The purpose of this report is to recommend to Council the adoption of the Port Stephens Council Strategy Framework and Key Strategic Directions for Category ‘A’ Volunteers and to accept a further report for Categories ‘B’, ‘C’, ‘D’ and ‘E’ Volunteers.

The Port Stephens Council Volunteer Strategy Framework has been developed to recognise the contribution of volunteers to the local community and to provide a framework, strategic directions and guidelines for future management and support of volunteers. The process, managed by Recreation Services Section, began back in 2006. Below is a summary of process to date.

November 2006 – Councillor Briefing

- The proposed framework for developing the Volunteer Strategy was outlined and the Volunteer Strategy Focus Group was formed consisting of Councillor representatives from each Ward (Councillors Swan, Dover, Jordan and Dingle) and staff (Recreation Services Manager, Volunteer Strategy Co-ordinator, Environmental Services Community Support Officer and Executive Officer).

December 2006 – June 2007 Volunteer Strategy Focus Group

Commenced the process of developing the Volunteer Strategy in line with agreed objectives of:

- Better support and help for committees by Council.
- Maintain and increase volunteer numbers – strength and recruit.
- Consolidation of committees across the Local Government Area
- Make better use of available funding and access to this by committees
- Provide improved training programs for volunteers (Occupational Health & Safety, administrative roles etc).
- Simplify processes for committees.

This process included:

- Identifying the different categories of volunteers that interact with Council.
- Prioritising Category ‘A’ Volunteers (355(b) Committees as the highest profile/risk.
- Comparing current processes against objectives to determine opportunities for improvement and what was working well.
- Developing models for improving the relationships, support and structures for volunteers and committees in line with agreed objectives.
- Surveying committees which with a return rate of 82% demonstrated their interest in working with Council to improve relationships and processes.

August 2007 - Two Workshops Held

- Attendees included representatives from hall and parks and tidy towns committees Councillors Westbury, Dover, Dingle, Jordan, Brown and Recreation Services Manager, Volunteer Strategy Co-ordinator, Environmental Services Community Support Officer, Contract and Halls Co-ordinator, Parks Facilities Co-ordinator and Parks Co-ordinators East and West.
- The results of the survey were discussed and a shared direction forward was developed.
- The response to the workshops was excellent with both workshops recommending the formation of two Forums to known as Parks & Tidy Towns Forum and the Halls Forum.

October 2007 - Forums Commenced

- Meetings to be held each February, June and October. Three Forums have been held in October 07, January 08 and June 08.

- The provide opportunities for committee delegates to join with other committees, Council staff and Councillors to discuss common issues and make plans on how to go forward in the future. Cover issues such as Forward Works Program and Asset Management Plans.

February – June 2008

- First draft of Volunteer Strategy. This evolved from the processes so far including Forums establishment. The draft was discussed at February Forums with a request for comments from committees for June Forums to enable the strategy to be finalised.

Council staff will report annually to Council on the implementation of the key strategic directions.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

The activity of volunteering is not without cost. While volunteers are unpaid the involvement and support they require from Port Stephens Council does have resource impacts. To assess the cost/benefit of volunteers to Council a direct cost/benefit analysis based on financial criteria is not sufficient. A best value assessment which takes into consideration the benefits of community engagement and community capacity building along with the direct and indirect cost of providing resources required to support volunteers needs to be considered. Future report on overall financial impact will be prepared during 2009.

The recruitment of volunteers by Council should be related to the Council's capacity to provide volunteers with satisfying and suitable assignments, with due consideration being given to the personal preference and motivation of the volunteer.

The provision of assistance and support such as subsidised facilities, financial support, sponsorship, resources and assistance in seeking grants along with staff interaction with community advisory groups and activities will be addressed in Category 'C' and 'D' Volunteers.

The allocation of resources to enable effective implementation of the Key Strategic Directions has been considered as part of the process. Council's Recreation Services Manager and Operations Manager along with key staff are reviewing current operations to identify opportunities to fund the resourcing requirements from current allocation.

LEGAL AND POLICY IMPLICATIONS

In the management of volunteers and volunteer groups on Council land or in Council facilities Council is directly responsible for all actions or activities. This includes legislation, particularly

occupational health and safety, insurance, probity, management of community funds, legal and tax system.

Where activities and services provided are not on Council land or facility or within Council's direct responsibility the reverse applies. The responsibility of Council in these relationships or agreements is determined by Council itself.

While some activities may be 'contracted' to external volunteer organisation Council's responsibility is not lessened. Management, monitoring and ensuring compliance always remains Council's responsibility.

Council currently uses the mechanism available in the Local Government Act, 1993 where Council delegates certain activities to committees under Section 355 and 377 to manage volunteers who are involved in activities, services or events on Council land. In reviewing Council's management and relationships with volunteers the same control, compliance and accountability must be an outcome.

Volunteer workers must not replace appropriately trained and paid staff to compensate for the reduction or withdrawal of services caused by inadequate staffing establishments, failure to fill vacant posts or cutbacks in funding.

Council must balance two sets of responsibilities within available resources to:

- Promote volunteering and provide opportunities for volunteers to participate in a safe work environment with support and encouragement for their contribution.
- Minimise liability which may have potential a financial or legal impacts on Council and in turn the community/ratepayers.

Councils existing policy on volunteers is to be reviewed to ensure consistency with this strategy as part of overall policy review with the new Council.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*

- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Council establishes community committees to undertake projects, to provide a link between Council and the community and to assist in the care of parks, sporting facilities, reserves, and services. This is part of Council's commitment to community partnerships and provides opportunities for the community to be involved with the management of the facilities they use.

Volunteers provide strong social and community benefits including an avenue for communication, planning, strategic planning, community consultation as well as community capacity building and strong social networks for the community

A community with a high rate of participation in community activities is an indicator of a well functioning community.

ECONOMIC IMPLICATIONS

Volunteers in the Port Stephens Council area provide assistance often where funding is not available. Their activities are value adding with a large number of the facilities and services provided in the local government area enhanced through the direct involvement of volunteers. This is reflected in the quality of facilities to which the community has access.

The role that volunteers play should not be underestimated. Volunteers work in all spheres of community and across many sectors including health and welfare, emergency services, arts and culture, heritage, environment and conservation, sport and recreation, education and youth development.

ENVIRONMENTAL IMPLICATIONS

Volunteers operate under direction from Council staff to ensure their activities are performed in accordance with recognised environmental practices. Projects and activities relating to the environment are encouraged and supported and often provide long term benefits to the environment

CONSULTATION

Councillors
Volunteer Strategy Focus Group
Halls Forum
Parks and Tidy Towns Forum
Volunteer Strategy Co-ordinator
Council staff who are involved in the management of committees and volunteers

OPTIONS

- 1) As per recommendation
- 2) Reject/amend recommendation

ATTACHMENTS

- 1) Port Stephens Council Volunteer Strategy Framework
- 2) Category 'A' Volunteers - Key Strategic Directions



DRAFT

VOLUNTEER STRATEGY FRAMEWORK

A Council that is:

Promoting the value and recognition of volunteering to encourage increased participation in activities that benefit the community.

Encouraging and increasing participation by individuals in activities according to their own level of skills and experience to promote inclusion from all sections of the community.

Facilitating partnerships, providing support and promoting individuals and groups to widen the range of community activities for community based volunteering to increase the level of satisfaction of those participating.

Providing clear guidelines for volunteers to allow them to have a clear understanding of their involvement in Council activities.

Acknowledging and recognising the contribution of volunteers through whose activities strengthen the community.

BACKGROUND

Port Stephens Council promotes the concept of volunteering in general and is actively involved in supporting and recognising volunteers.

Council provides:

- ***Opportunities for community based volunteers to undertake tasks or projects and provide assistance to Council operations. This is part of Council's commitment to community partnerships and provides opportunities for the community to be involved in the care, and assistance to management of the facilities and services they use.***
- Assistance and support such as subsidised facilities, financial support, sponsorship, resources and assistance in seeking grants along with staff interaction with community advisory groups and activities. Council's role in community development and planning, often involves working with and promoting the activities of volunteer and community based groups and the development of partnerships.
- Recognition of the value of volunteers in the community and highlighting their contribution by events and awards and supporting government and privately sponsored recognition schemes.

The role that volunteers play should not be underestimated. Volunteers work in all spheres of community and across many sectors including health and welfare, emergency services, arts and culture, heritage, environment and conservation, sport and recreation, education and youth development.

Volunteers in the Port Stephens Council area provide assistance often where funding is not available, their activities are value adding with a large number of the facilities and services provided in the local government area enhanced through the direct involvement of volunteers. This is reflected in the quality of facilities to which the community has access

Volunteers provide strong social and community benefits including an avenue for communication, planning, strategic planning, community consultation as well as community capacity building and strong social networks for the community

A community with a high rate of participation in community activities is an indicator of a well functioning community.

FORMAT OF VOLUNTEER STRATEGY FRAMEWORK

The **Volunteer Strategy Framework** has been developed to recognise the contribution of volunteers to the local community and to provide a framework, strategic directions and guidelines for future management and support of volunteers.

THE STRATEGY:

Identifies and documents:

- ***Council's volunteers – who are they, what do they do, how are they managed, what is their relationship with Council?***
- How these relationships are guided by legislative, corporate and financial obligations as well as community expectations.

Provides Framework for the Development of Each Volunteer Type and Category:

1. **Direct Volunteers - *volunteers who have a direct formal relationship with Council***
 - **Category A - 355(b) Committees (& Working Bee Volunteers) & Registered Volunteers**
Undertake approved work on Council land, facilities, services and events
Council is responsible for all actions of volunteers - over 800 Volunteers
 - **Category B - Contracting Volunteers**
Volunteers or groups managed by external organisations who work on Council land
Direct formal relationship with contracting external organisations
2. ***Indirect Volunteers - volunteers who do not have a formal relationship with Council but may receive some benefit from Council***
 - **Category C - Advisory/Planning Participants**
Volunteers who act in advisory capacity to Council or other organisations
 - **Category D - Community Volunteers**
Volunteers who assist the community who may have a relationship with Council due to receiving some funding/benefit from Council either formally or informally
3. ***Awards Volunteers - volunteers from throughout the community who Council supports in principle***
 - **Category E - General Community Volunteers**
Community groups that do not have any direct involvement with Council but Council supports the concept of volunteering

Identifies who is responsible for:

- ***The development & implementation of each volunteer category strategy***
- ***The management and support of each volunteer category***

Breakdown of Port Stephens Council Volunteers

Type	Category		What Do they Do?	Council's Responsibility/Relationship	How are they Managed?	Who are They?	
<p>DIRECT</p> <p>The relationship with Council is clear and direct and often dictated by legislation</p> <p>The majority of "direct" volunteers are managed by Facilities & Services, particularly Recreation Services</p>	A	<p>355(b) Committees & Working Bee Volunteers</p> <p>Registered Volunteers (specific activities/facilities)</p>	<p>Undertake approved work on Council land, facilities, services and events</p> <p>Council provides opportunities for the community to be involved with the management of the facilities & services they use.</p> <p>For example, sporting, parks, reserves, halls, environmental projects, library volunteers</p>	<p>Direct formal relationship with Council. Council is responsible for all actions of volunteers.</p> <p><i>Section 355(b) of the Local Government Act, 1993, allows Council to delegate certain functions.</i></p> <p><i>A section 355(b) committee is an entity of Port Stephens Council and as such is subject to the same legislation, accountability and probity requirements as Council - OH&S, Taxation, Reporting, Insurance, financial management & reporting.</i></p>	<p><i>Management, supervision & support provided designated Council staff</i></p> <p><i>Partnerships through Hall Forum, Parks & Tidy Towns Forum & Sports Councils</i></p> <p>Documents such as: 355(b) Committee Constitution & Schedule Council's Code of Conduct Annual General Meeting Checklist Council Policies Procedures</p>	<p>53 x 355(b) Committees & working bee volunteers</p> <p>EAST Boat Harbour Parks & Reserves Committee Corlette Headland Committee Corlette Reserves and Hall 355(b) Committee Fingal Bay Parks & Reserves Committee Mambo Wanda Wetlands, Reserves & Landcare 355(b) Committee Nelson Bay West Parkcare Committee Port Stephens Native Flora Garden Committee Salamander Ecology Group Shoal Bay Beach Preservation Committee Soldiers Point/Salamander Bay Tidy Towns & Landcare Committee Soldiers Point-Salamander Bay Parks Reserves & Hall Committee Taylors Beach Reserves, Tidy Towns & Landcare Committee Tomaree Sports Council Tomaree Education Complex Multi Purpose Centre Com Ngioka Centre Committee</p> <p>CENTRAL Anna Bay, Birubi Point Reserves, Hall and Tidy Town Committee Mallabula Parks & Reserves Committee Medowie Tidy Towns & Cycleway Committee Tanilba Bay Parks, Reserves & Hall Committee West Tilligerry Tidy Towns Committee Anna Bay, Birubi Point Reserves, Hall and Tidy Town Committee Bobs Farm Public Hall Committee Fern Bay Public Hall, Reserves & Tidy Towns Committee Mallabula Community Centre Committee Medowie Community Centre Salt Ash Community Hall, Reserves & Tennis Courts Committee Salt Ash Sports Ground Committee Tanilba Bay Parks, Reserves & Hall Committee Tanilba Bay Senior Citizens Hall Management Committee</p>	<p>Tilligerry Community Centre Committee Williamtown Public Hall Committee Medowie Sports Council Tilligerry Sports Council Tilligerry Aquatic Centre Advisory Committee</p> <p>WEST Karuah Tidy Towns/Parks/Reserves & Wetlands Committee Raymond Terrace Park, Reserves & Tidy Towns Committee Hinton School of Arts Committee Karuah Community Centre Committee Seaham School of Arts & Community Hall Committee Raymond Terrace Senior Citizens Hall Management Committee Raymond Terrace Sports Council Rural Sports Council Port Stephens Telecentre Advisory Committee West Ward Cemeteries Committee</p> <p>Aboriginal Strategic Committee Access Committee of Port Stephens Port Stephens Australia Day Celebration Co-ordinating Committee Port Stephens Adult Choir Committee Port Stephens Community Band Committee Port Stephens Sister Cities Committee Port Stephens Sports Council</p> <p>Registered Volunteers Tilligerry Library Raymond Terrace Library Tomaree Library Tourist Information Centre Volunteers Telecentre Volunteers Ngioka Centre Volunteers Raymond Terrace Community Centre Volunteers Sporting Volunteers</p> <p>Over 800 Volunteers</p>
	B	Contracting Volunteers	Volunteers or groups managed by external organisations who work on Council land	<p>Direct formal relationship with contracting external organisation.</p> <p>Council is responsible to ensure contracting organisation ensures all volunteers it manages and activities meet insurance, legal & OH&S requirements of Council</p>	<p>Managed in the same ways as Council contractors</p> <p>Alternate Labour Process –facilitates the steps that are required to ensure a proposed group/project meets Council's requirements including supervision.</p> <p>Some agreements may include legal documents, specific insurance approval. All volunteer work is supernumerary to Council staff.</p>	<p>Rural Fire Service – Council contracts the RFS (State Govt) to manage rural fire volunteers on it's behalf</p> <p>Royal Surf Life Saving Volunteers Raymond Terrace Historical Society Research Work for the Dole Conservation Volunteers Australia Green Corps</p>	<p>Green Reserve Adopt a Road Program Schools Karuah Working Together</p> <p>Approximately 450 RFS plus varying numbers depending on approved projects</p>

Type	Category		What Do they Do?	Council's Responsibility/Relationship	How are they Managed?	Who are They?
<p>INDIRECT</p> <p>The relationships with Council are not always clear cut or visible</p> <p>The majority of "indirect volunteers have relationships with Sustainable Planning Group particularly Integrated Planning Section</p>	C	Advisory/Planning Participants - Volunteers	Volunteers who act in advisory capacity to Council	Different levels of responsibility depending on the degree of support	Management of the relationship is managed varies	Estuary Management Committee As established by Council
	D	Community Volunteers	<p>Volunteers who assist the community who may have a relationship with Council due to receiving some funding/benefit from Council either formally or informally</p> <p>Volunteers and community based groups with whom Council interacts with and/or assists in Council's role in community development & community consultation.</p>	<p>Different levels of responsibility depending on the degree of support</p> <p>This support is provided mainly by Integrated Planning as part of their community development, cultural and social support & planning.</p> <p>Council is responsible to the community in how funds are utilised.</p> <p>Types of relationships</p> <ul style="list-style-type: none"> • Reduced/subsidised rates for use of Council facilities • Financial support <ul style="list-style-type: none"> ○ From Council's Budget ○ Via submissions made to Council ○ Under Council's Financial Assistance Policy • Support from staff - eg technical support for community organisations • Council sponsorship of event or activity • Council staff participation in projects, planning, meetings • Recipients of benefit /s from Council's community development role 	<p>Management of the relationship is managed varies</p> <p>Different levels of responsibility depending on the level of support</p> <p>Based on Council Budget, Managements Plan and role of staff</p> <ul style="list-style-type: none"> • As a landlord for tenants • As owner of premise if activity undertaken on Council land or facilities (OH&S, public liability) • Councils' role in community development, social, ,planning, community safety • Compliance with Corporate Financial requirements for funding • Council policies for provision of subsidised community, facilities, donations, financial assistance • Management of leases & agreements • Direct Funding Agreements • Sponsorship Agreements • Project Funding Agreements • Direct staff involvement 	<p>SES - Council provides funding for things such as vehicle, accommodation, equipment</p> <p>Community Groups Sketchley Cottage, Port Stephens Historical Society Port Stephens Family History Society Tomaree Family History Group Port Stephens Community Arts Centre Port Stephens Arts Council Friends of Tomago House Raymond Terrace Art Show Committee Valley Food Link Raymond Terrace & Karuah Action Team</p> <p>Events Newcastle Permanent Carols by the Bay Cancer Council Relay for Life Port Stephens Seniors Expo Tilligerry Festival Karuah Aquatic Festival Karuah Art & Craft weekend Heritage Festival Main Street Treats Easter Festival</p> <p>Tenants in Council Facilities Subsidised Rent Neighbourhood Centres Health Services Community Groups/services</p> <p>Groups who Receive Funding Botanic Gardens Community Bus Facilitation applications for grants HAAS Meals on Wheels (updating kitchen RTCC Hands on Youth Events Inc HOYE</p> <p>Staff & Council Support</p>
<p>OTHER</p> <p>Role shared with government departments, private organisations in representing the community in its recognition of volunteers</p>	E	General Community Volunteers	Community groups that do not have any direct involvement with Council	<p>Support in principle of volunteering</p> <p>Role in increasing awareness and participation and providing a means of recognition and reward for volunteers.</p> <p>Role shared with government departments, private organisations in representing the community in its recognition of volunteers.</p> <p>May provide opportunities to thank community volunteers in group – Volunteer Week</p>	<p>Some organised events such as: Citizen of the Year Awards Port Stephens Community Awards</p> <p>Support to or participations in government departments & private organisations providing awards which may include Council volunteers</p> <p>Others awards or recognitions for individuals or groups organised in an ad hoc way by staff or Councillors</p>	<p>Red Cross Legacy Home Visiting Salvation Army Nursing Home Visitors Volunteers in Schools Olympics Volunteers Individual volunteers</p>



DRAFT

CATEGORY 'A' VOLUNTEERS

KEY STRATEGIC DIRECTIONS

CATEGORY 'A' VOLUNTEERS

DESCRIPTION

1. 355(b) Committees and Working Bee Volunteers
2. Registered Volunteers (specific activities/facilities)

VOLUNTEER ACTIVITIES

- Council provides opportunities for the community to be involved with the management of the facilities & services they use
- Volunteers undertake approved work on Council land, facilities, services and events. for example, undertaking projects on sporting facilities, parks, reserves, community halls, environmental projects, libraries, band, choir and providing advisory support

FRAMEWORK BASED ON:

1. Structures, Processes & Relationships
2. Training & Supervision
3. Risk Management
4. Recruitment
5. Awards & Recognition

PRINCIPLES

General

- ***Engagement and service as a volunteer worker with Council will not be construed as providing any access to, or right for consideration for, future paid employment with Council.***
- ***All volunteers participate on a honorary basis with no expectation of financial payment***
- ***The recruitment of volunteers by Council should be related to the Council's capacity to provide volunteers with satisfying and suitable assignments, with due consideration being given to the personal preference and motivation of the volunteer.***
- In the management of volunteers and volunteer groups on Council land or in Council facilities Council is directly responsible for all actions or activities. This includes legislation (OH&S, Local Government Act), insurance, probity, management of community funds, legal and tax system etc).

Volunteers and Staffing

- All volunteer/committee activities must be supernumery to Council staff.
- Volunteer workers must not replace appropriately trained and paid staff to compensate for the reduction or withdrawal of services caused by inadequate staffing establishments, failure to fill vacant posts, or cutbacks in funding.

Best Value

- To assess the impact/benefit/costs of volunteers to Council a direct cost/benefit analysis based on financial criteria is not sufficient. Best Value - considering the benefits of community engagement, community capacity building and the visible and hidden costs and the resources required to support volunteers need to be considered.

Balance

Council must balance two sets of responsibilities within available resources to:

- Promote volunteering and provide opportunities for volunteers to participate in a safe work environment with support and encouragement for their contribution.
- Minimise liability which may have potential a financial or legal impacts on Council and in turn the community/ratepayers

DEFINITIONS

Volunteers

The term “volunteer” is used generically by Council to refer to anyone who undertakes approved work on Council land, facilities or services on an honorary basis but there are specific categories of “volunteers”. As a means to improving communication the following definitions are provided.

355(b) Committee Member

A person whose nomination for membership of a Council 355(b) committee has been approved by Council and the committee.

355(b) Volunteer or Working Bee Volunteer

A person whose nomination for registration as a volunteer of a Council 355(b) committee has been approved by Council and the committee. A volunteer is considered the same as a committee member except they do not have to attend committee meetings

- A volunteer assists the committee (either on a regular or casual basis) in a voluntary capacity but is not a member of the committee.
- A volunteer may attend committee meetings but does not have a vote
- A volunteer has the same rights & responsibilities as a committee member, that is, the committee’s constitution, Council’s Code of Conduct & OH&S requirements are applicable.
- Volunteers (regular or casual) must undertake the same actions and meet the same requirements as committee members. That is, submit a nomination form, attend OH&S Induction Training, be involved in developing and following Risk Treatment Plans, Site Inductions, Toolbox Meetings and sign on & off on each occasion the undertake volunteer work..

Registered Volunteer

A person who is registered and approved by Council to undertake work in an approved activity or service.

- For example, libraries, Visitors Information Centre, sporting groups and Telecentre have registered volunteers.
- These volunteers work under direct supervision of Council staff responsible for the activity they are participating in and are subject to the same requirements as other volunteers & committee members. That is, submit a nomination form, attend OH&S Induction Training, be involved in developing and following Risk Treatment Plans, Site Inductions, Toolbox Meetings and sign on & off on each occasion the undertake volunteer work..

Forum

A group of delegated committee members, Council staff and Councillors who meet on a regular basis to facilitate partnerships between Council and committees which are beneficial to all parties.

- Currently there are two Forums - Halls Forum & Parks & Tidy Towns Forum.
- Each Forum consists of two delegates from each committee (Halls/Parks & Tidy Towns) to participate in Forum meetings and activities on behalf of their committee.

Sports Council

A group of delegated sporting club members, Council staff and Councillors who meet on a regular basis to facilitate partnerships between Council and committees which are beneficial to all parties.

- Currently there are five Sports Councils – Medowie, Raymond Terrace, Rural West, Tilligerry, Tomaree
- Each Sports Council consists of two delegates from each sporting group in the area to participate in Sports Council meetings and activities on behalf of their sporting group.

Delegates

Forums - are committee members appointed by individual 355(b) committees to represent their committee at Forums.

Sports Councils – are sporting club members appointed by their individual club to represent the club at Sports Councils

CATEGORY 'A' VOLUNTEERS – Key Strategic Directions

1. STRUCTURES, PROCESSES & RELATIONSHIPS

Designed to:

- Facilitate consultation & a true partnership approach between Council and volunteers.
- Build an environment of mutual trust & respect
- Have committees committed to strategic plans and understand where they fit within that plan
- Be flexible to remain relevant and reflect the operation of volunteers and committees

ITEM	DESCRIPTION	DETAILS/ACTION	PERFORMANCE MEASURE	COMPLETION DATE
1.1 Individual Committee Support	Each Committee Has: A Council Officer	A Council Officer is responsible for each committee & its activities, providing day to day support & supervision	All committees have a delegated Council staff member appointed	Ongoing
	A Councillor(s)	A Councillor(s) provides liaison between Council and committees	All committees have a nominated Councillor(s) representative(s)	Councillor nominations annually in September
	Support from relevant technical staff across Council	Support as arranged by committee's Responsible Officer. Eg OH&S, Records, Risk Management, Governance, Finance, Purchasing	Support from technical staff is provided at agreed times.	Ongoing
1.2 Individual Volunteer Activity Support	Each Volunteer Activity Has: A Council Officer	A Council Officer is responsible for the activity providing day to day support & supervision for activities undertaken.	All volunteer activities have a delegated Council staff member appointed	Ongoing
1.3 Overall Committee Support	Committee Groupings	Committees are grouped according to activities. Staff, Councillors & committee delegates meet regularly to facilitate management & support with a partnership approach	Three meetings are held annually for: Sports Councils	February June October
	Sports Councils (6)	Key areas •Forward Works Plans •Asset Management Plans •Involvement in decision making processes •Improving communication, information, provision of project coordination •Recognise the contribution of volunteers	• Raymond Terrace • Medowie • Rural West • Tilligerry • Tomaree	
	Forums (2)	Supervision • Provision of day to day management of sporting groups, parks & tidy towns & hall committees not covered in strategic focus of sports councils & forums Provision of Support • Includes attending committee meetings, addressing	Forums • Halls • Parks & Tidy Towns	February June October Ongoing
				Ongoing

ORDINARY MEETING – 26 AUGUST 2008

ITEM	DESCRIPTION	individual committee issues & relationship building DETAILS/ACTION	PERFORMANCE MEASURE	COMPLETION DATE
1.4 Overall Support for Committees & Volunteers	Volunteer Strategy Group	The group consists of staff, directly responsible for volunteers & committees, who meet with a focus on operational actions & strategies to provide assistance to volunteers.	Three Volunteer Strategy Group meetings are held annually	Ongoing
1.5 Management Mechanisms For 355(b) Committees & Working Bee Volunteers	Standard 355(b) Committee Constitution & Customised Individual Schedule	The Constitution provides a mandatory set of rules that defines the functions that Council has delegated to the Committee.	355(b) committee standard constitution is reviewed every three years.	June 2009
	355(b) Committee Information Handbook	Information , procedures, processes & guidance for committees to supplement 355(b) committee constitution	355(b) Committee Information Handbook is developed reviewed & updated annually	June 2009
	Code of Conduct	Research to be undertaken to develop a Volunteer's Code of Conduct as an extract form Council's Code of Conduct	A Volunteer's Code of Conduct Booklet is developed	December 2009
		Development of education/training program supporting Volunteers Code of Conduct to provide committees with information to enable them to meet their probity requirements including EEO	All volunteers have a Volunteer Code of Conduct Booklet & Training	December 2009
	Legislation, Council Polices & Procedures, Direction from staff	Delivery of training & support of committees Develop procedure for handling & documenting breaches of Code of Conduct with Council's governance & legal staff Relevant Information & directives are provided to volunteers via formal mechanisms & on a needs basis by staff responsible for volunteers.	A decreasing trend in instances of breaches of Council's Code of Conduct annually Volunteer are aware of legalisation or corporate requirements relevant to their activities.	December 2009 Ongoing
	Volunteers OH&S Induction Training Manual	Manual outlining Council's OH&S requirements for volunteers	Volunteers who have undertaken OH&S Induction Training increases annually <i>Volunteers OH&S Induction Manual is provided as part of training participation</i>	Ongoing
1.6 Management Mechanism For Registered Volunteers	Volunteer Statement of Duties	A standard format to be developed to replace current different formats and level of details.	All (registered) volunteers have a documented statement of duties in a standard format	June 2009
	Volunteer Guideline Handbook	A Volunteer Guidelines Handbook including procedures, processes & guidance is developed to supplement Volunteer Statement of Duties The handbook will be an extract from 355(b) Committees Information Handbook	Volunteer Guideline Handbook is developed and updated annually	December 2009

ORDINARY MEETING – 26 AUGUST 2008

ITEM	DESCRIPTION	DETAILS/ACTION	PERFORMANCE MEASURE	COMPLETION DATE
1.7 Processes	Finances	Process & procedures for financial record keeping & reporting that allow committees to meet Council's obligations for auditing, probity, transparency & legislative requirements including taxation are in place.	Compliance with minimal financial recording & reporting requirements is 100%	June 2009
	Assistance for Financial Management of Funds	Assistance is provided for Committee treasurers to enable them meet their recording & reporting requirements.	Monthly returns & Annual Financial Summary (Council for adoption annually)	Ongoing
	Reporting	Process & timetable are in place for reporting following committee AGM'S which provides updated information on committee plans, changes to executive membership etc	Assistance to committees from Facilities & Services Financial Co-ordinator is provided as agreed	Ongoing
	Records	Process & timetable are in place for reporting following committee AGM'S which provides updated information on committee plans, changes to executive membership etc	An increasing trend in reporting annually	Ongoing
	Records	Guidelines are provided for committees to manage their records to meet Council's obligations under the State Records Act 1998.	An increasing trend in committee meeting minutes forwarded annually.	Ongoing
	Records	A process is in place to provide storage of old committee records in Council's archives	Committees are aware of and are using Council archive storage facility	Ongoing
	Membership	Process in place which allows committee's to manage nominations for their committee, Councillors to accept nominations & Council staff to register volunteers & forward a Volunteer Introduction Pack.	An increasing trend in compliance with nominations for membership requirement annually	Ongoing
	Volunteer Database	Contains information details of all volunteers, their activities and their training, in particular OH&S	Volunteer Database with information is which is easily accessible and accurate	Short Term – August 2008
	Volunteer Database	Database to be upgraded to improve performance & replaced with more suitable format.		Replacement Database -IT December 2009
	Purchasing/Sundry Debtors	Process in place to give committees access to Council's Purchasing system & Sundry Debtor Account	Committees are aware of and are using Purchasing & Sundry Debtors facilities	Ongoing
First Aid Kits	First Aid Kits are required in all community halls and all working bee sites.	Committees have up to date first aid kits on site.	Ongoing	
Tip Process	Process in place which allows committees to purchase kits & ongoing refills which are invoiced via Sundry Debtor Account	Access to waste depots is available and funded	Ongoing	
Tip Process	Process in place to facilitate free access to Council waste depots for waste from working bees			
Halls – Booking System	Booking procedure & pre printed forms are in place to enable committees to manage hall bookings & meet requirements such as insurance, financial & tax	Booking System including Community Facility Use Agreement is reviewed every three years.	December 2009	
Halls – Booking System	Implementation including attendance at committee meetings			

ORDINARY MEETING – 26 AUGUST 2008

<i>ITEM</i>	<i>DESCRIPTION</i>	<i>DETAILS/ACTION</i>	<i>PERFORMANCE MEASURE</i>	<i>COMPLETION DATE</i>
1.7 Processes cont	Fees & Charges	Forums to be used to facilitate the development of a process for committee fees & charges submissions to Council's Draft Management Plan	Fees & charges are reviewed annually via Forums & Sports Councils prior to submission for Council's Management	December 2008
	Grants	Forums to be used to facilitate the development of procedures for grant applications and management to meet corporate requirements.	The management of grants involving volunteers meets Council's Management Directive & Forum Protocol	December 2008
	Subsidies	Process to provide annual subsidies for committees (including sports councils) conditional on submission of annual financial reporting is in place	Subsidies for eligible committees are forwarded by September annually	Ongoing
	Tidy Towns Competition	Process & funding in place to enable committee participation in Tidy Town Competition & Tidy Towns Weekend	Sponsorship & support of entries in the Tidy Towns Competition annually	Ongoing
	Hands On Newsletter/Web	Plans to re establish a mechanism for communication, and promotion along the lines of previous Hand On Newsletter containing articles, photos highlighting committee projects, profiles & information. Planning to be undertaken via Forums.	Newsletter and Web Presence in place	July 2009
	Tool Trailers	Two tool trailers with equipment for committee working bees are available to committees	Committees are aware of and using tool trailers	Ongoing
	Toolbox Alerts/Topics	Process in place to provide volunteers with information re OH&S as given to staff	Regular Toolbox Alerts are forwarded to committees and acted upon	Ongoing

2. TRAINING & SUPERVISION

Designed to:

- Provide supervision for day to day activities of committee by appointed Council officers.
- To assist volunteers manage their activities, statutory requirements and meet their objectives/aims.
- Training appropriate & designed for volunteers & assist in providing a healthy and safe work environment

	<i>DESCRIPTION</i>	<i>DETAILS/ACTION</i>	<i>PERFORMANCE MEASURE</i>	<i>COMPLETION DATE</i>
2.1 Supervision & Approval of Projects	Supervision NOTE: Providing and following up on OH&S training forms a part of the supervision of volunteer activities.	Staff members appointed to individual committees are responsible for the day to day supervision and approval of projects for committees	All projects & activities undertaken by volunteers have been approved	Ongoing
2.2 OH&S	OH&S Induction Training	It is mandatory that volunteers attend OH&S Induction training prior to commencing any work.	At least twenty opportunities for OH&S Induction Training are provided annually. The number of volunteers who have attended OH&S Induction Training increases annually	Ongoing
2.3 Training	Risk Assessment, Risk Treatment Plans, Toolbox, Site Inductions, Incident Reporting Training Review	Committee's are provided with training to enable them to meet Council requirements of using risk/hazard system of OH&S Management Training Provision to be reviewed with stakeholders via Forums	Activities undertaken by volunteers are supported by risk treatment plans	Ongoing
	Specific Training (formal & informal)	Training provided in groups or one on one e.g., sports council financial management, chemical use, revegetation, plant identification, role of executive & training identified through Training Review.	Training provision reviewed with stakeholders via Forums every two years Volunteers are aware of training opportunities and participation levels increase	June 2009 Ongoing
	On The Job/ Task/Activity Training	Training provided in groups & one on one e.g. use of tools, equipment, RTP's Training provided where volunteers have a set group of tasks e.g. Libraries, Visitors Information, Telecentre	Volunteers are aware of training opportunities and participation levels increase	Ongoing
	Facilitated Training	Training provided in conjunction with other organisations e.g. CVA, Dept of Sport & Rec , NPWS	Volunteers are aware of training opportunities and participation levels increase	Ongoing
	Value Adding- community groups	Plans to make training available to community groups & volunteers outside Category A, where appropriate. This currently done with OH&S training where community groups can attend at no cost.	OH&S Induction Training is available to community groups. Training for Category A Volunteers is made available for Category C, D Volunteers where appropriate and within resources	Ongoing June 2009

3. RISK MANAGEMENT

Designed to balance responsibilities within available resources to:

- Provide volunteers and committee members with a safe work environment, support and encouragement for their contribution
- Minimise liability which may have potential a financial or legal impacts on Council and in turn the community/ratepayers

<i>ITEM</i>	<i>DESCRIPTION</i>	<i>DETAILS/ACTION</i>	<i>PERFORMANCE MEASURE</i>	<i>COMPLETION DATE</i>
3.1 OH&S	Compulsory OH&S Training & Requirements	Compulsory attendance OH&S Induction & further training	As per earlier "Training & Supervision 2.2 OH&S	Ongoing
	Audits of Worksites	To ensure Council's methods of safe work practices are in use	15 audits & follow up actions of committee projects are done annually to ensure ongoing use of RTP's and safe work methods	Ongoing
3.2 Compliance	Statutory & Corporate Requirements	Processes are in place which are designed to enable committees to meet their requirements of compliance to legislative, auditing & corporate requirements to minimise risks to Council and volunteers. In particular OH&S and funds management	Committees complete Annual General Checklist and there is a decreasing trend in breaches annually	Ongoing
3.3 Vandalism	Prevention & Reporting	Processes are in place for handling instances of vandalism & the provision of information for volunteers on how to protect their facilities from vandalism and intruders.	Instances of vandalism & repair cost reported to committees at Forums	Ongoing
3.4 <i>INSURANCE</i>	Council Insurance applicable to Volunteers	Volunteers while acting within the scope of their duties are insured under Council's personal accident & public liability insurance	Volunteers are aware of Personal Accident & Public Liability insurance coverage.	Ongoing
	Risk Management of Events	Volunteer Groups are required to provide risk management plans for events involving the public as required by Council's insurer	Risk Management Plans are developed according to requirements.	Ongoing

4 RECRUITMENT

Designed to:

- Be considered in the context of three R's Recruitment, Recognition & Reward.
- Recruitment numbers generally increase when volunteering is given a high profile and positive image

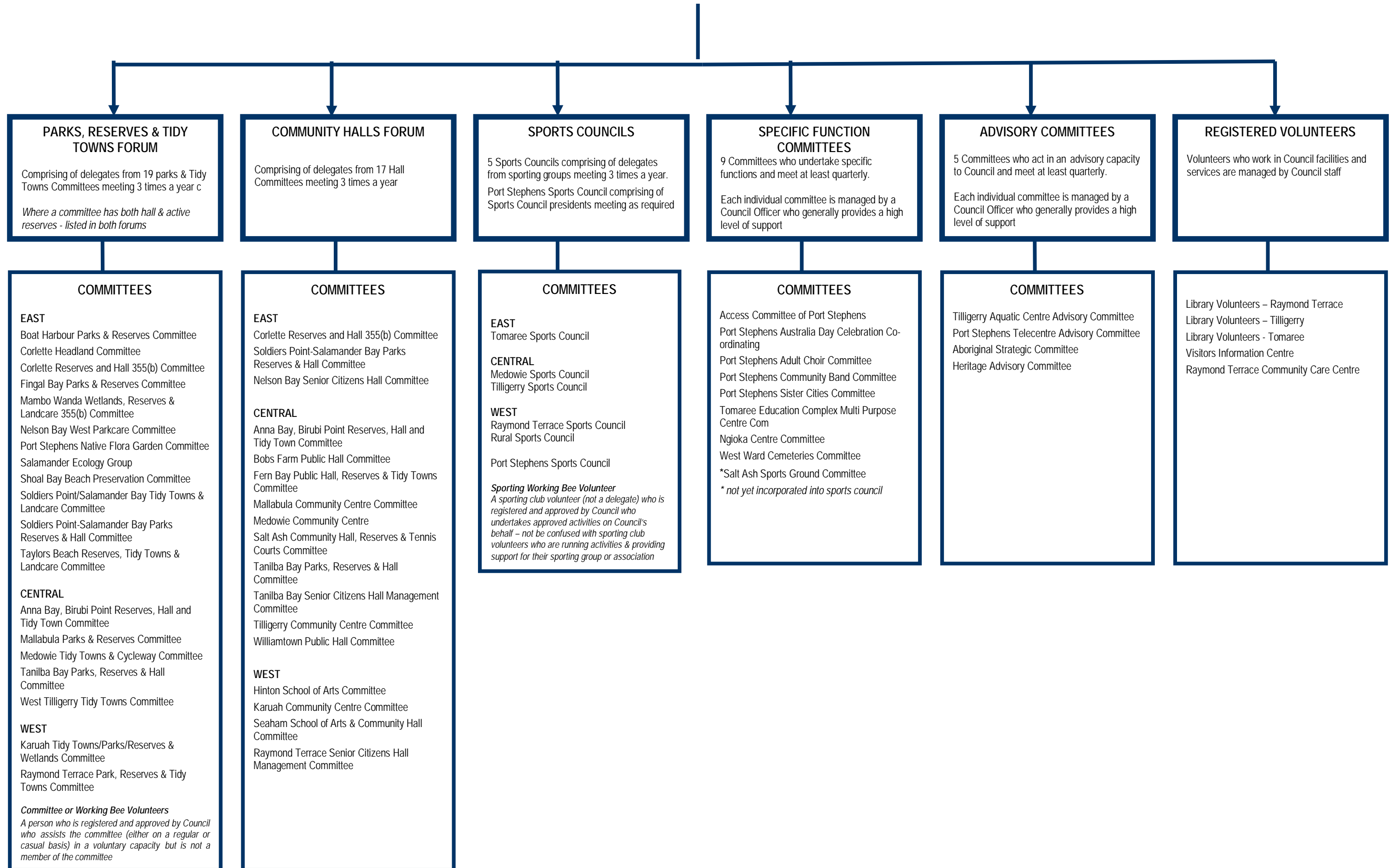
<i>ITEM</i>	<i>DESCRIPTION</i>	<i>DETAILS/ACTION</i>	<i>PERFORMANCE MEASURE</i>	<i>COMPLETION DATE</i>
4.1 Methods	Direct Recruitment	Most common practices <ul style="list-style-type: none"> • Advertising – Council page & local publications • Letter drops • Word of mouth • Signage at working bee sites. • Signs displayed locally 	Volunteer participation number are showing an increasing trend	Ongoing
	Indirect Recruitment	Supporting recruitment practices <ul style="list-style-type: none"> • Highlight volunteering opportunities • Presenting volunteering in a positive manner including media • Promote the social and community benefits of volunteering 	Six media instances highlighting volunteer benefits and activities annually	December 2008
	Partnership	<ul style="list-style-type: none"> • Develop partnerships with other volunteer organisation to complement Council's volunteer involvement 	Three networking opportunities attended annually.	April 2009
	Develop new Options	<ul style="list-style-type: none"> • Expand the means of recruitment to have more emphasis on web presence, options that appeal to younger volunteers and volunteers that are interested in short term or casual volunteering • Tailor recruitment for specific outcomes to meet the needs of committees & volunteers e.g. working bee volunteer rather than committee members • Across the board recruitment to increase volunteer numbers • Investigate option of establishing training sessions for potential volunteers to register and undertake OH&S training to facilitate their involvement in working bees advertised on web. 	Attend 3 Interagency Meetings Two recruitment exercises to be undertaken annually	Dec 2008

5 AWARDS & RECOGNITION

- Rewarding does not necessarily mean awards
- It might mean funds to finalise a project , providing training, assistance or simply acknowledging what someone is doing

<i>ITEM</i>	<i>DESCRIPTION</i>	<i>DETAILS/ACTION</i>	<i>PERFORMANCE MEASURE</i>	<i>COMPLETION DATE</i>
5.1 Awards	Council	Format of Council's Volunteer Awards to be reviewed and developed by Corporate Management and Volunteer Strategy Focus Group	Volunteer Awards in place	September 08
	Support for government and other organisation awards	Nominating volunteers for other organisation awards Providing supporting information for other organisation awards Researching award opportunities information for other organisation awards Encouraging volunteers to nominate for awards <u>Consideration</u> Volunteer Week Celebrations International Day of the Volunteer	Volunteer award opportunities are sourced and supported	September 08
5.2 Recognition	Formal Acknowledgment & Recognition	Acknowledgment of the value of volunteers in Council's Plan	Value of volunteer included in formal Council documents	Ongoing
	Informal Recognition	Through interaction with volunteer groups including Sports Council's & Forums. Acknowledging individually or as a group accomplishments	Presentation at each Forum Meeting	Ongoing
		Visiting project sites to acknowledge and support work undertaken	Six sites per month	Ongoing
	Sponsorship & Assistance	Facilitating participation or providing sponsorship to allow entry in competitions, for example, Tidy Towns	Increasing participants in Tidy Towns Competition	Ongoing
		Provision of two Community Tool Trailers	Usage of tool trailer increases annually	Ongoing
	Highlighting Achievements	Maximise the use of Council's Web presence & media		December 2009
		Provide access to media or avenues for promote activities		December 2009

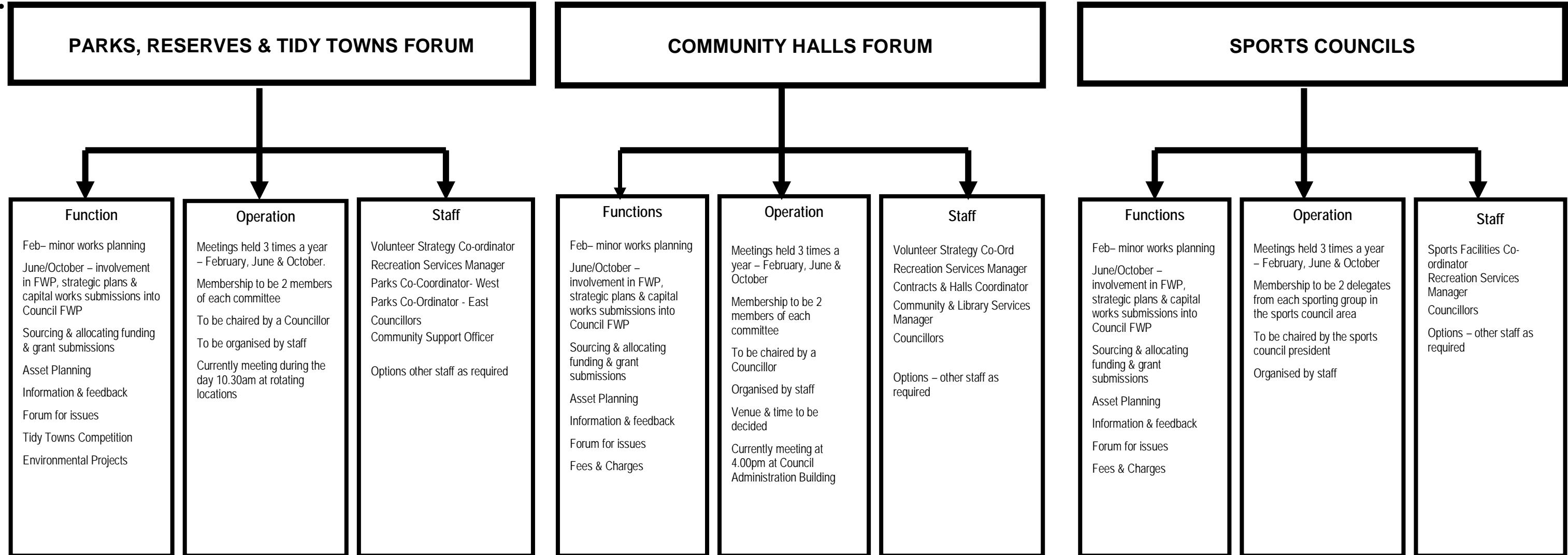
CATEGORY 'A' VOLUNTEERS



GROUPS OF 355(b) COMMITTEES

Forums & Sports Councils provide the means to:

- Improve communication, information provision & more involvement in project co ordination
- Include the integration of committees' Forward Works Plans into Councils FWP
- Involve committees in the preparation of Asset Management Plans
- Increase the opportunities to source funds for projects in FWP
- Involve committees in decision making processes
- Recognise the contribution of volunteers



THE ORDINARY MEETING OF COUNCIL 26 AUGUST 2008 REOPENED AT 7.02PM

ITEM NO. 2

FILE NO: PSC2005-4217

2007/2008 GENERAL PURPOSE FINANCIAL REPORTS AND SPECIAL PURPOSE FINANCIAL REPORTS

REPORT OF: JEFF SMITH – ACTING GROUP MANAGER BUSINESS & SUPPORT

RECOMMENDATION IS THAT COUNCIL:

- 1) Ratify the referring of the draft 2007/2008 General Purpose Financial Reports and Special Purpose Financial Reports for audit.
- 2) Sign the Statement on the General Purpose Financial Reports.
- 3) Sign the Statement on the Special Purpose Financial Reports.

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

That the recommendation be adopted

Amendment:

Moved Cr Tucker Seconded Cr Hodges

That Council initiate a draft LEP in accordance with Section 54 of the Environmental Planning & Assessment Act to make depots permissible uses in the Rural 1(a) Zone and include this draft LEP amendment in the first stage review of Port Stephens LEP 2000 – also including road transport terminals as appropriate.

The amendment on being put was lost

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

217	Councillor Robinson Councillor Nell	It was resolved that the recommendation be adopted.
------------	--	--

BACKGROUND

The purpose of this report is to advise that the draft General Purpose Financial Reports and Special Purpose Financial Reports for the period ended 30th June 2008 are in the process of being prepared and the audit is due to commence Monday 6th October. Due to Local Government elections being held in September, this report is being brought forward to August, and as such a draft set of accounts cannot be provided at this time.

Under Section 413 of the Local Government Act 1993 Council is required to submit, with the General Purpose Financial Reports, a statement as to its opinion on the reports **(ATTACHMENT 1)**.

The Local Government Code of Accounting Practice and Financial Reporting requires that commencing from the 1998/99 reporting period Council shall complete a Special Purpose Financial Report for all business activities declared by Council.

The Code requires a statement by Council indicating whether or not the Council's Special Purpose Financial Reports have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting **ATTACHMENT 2**.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

The 2007/2008 General Purpose Financial Reports are being prepared in compliance with the Local Government Act 1993, the Local Government Code of Accounting Practice and Financial Reporting, the Australian Accounting Standards and the Asset Accounting Manual.

All revenues received for 2007/2008 will be recognised together with any revenues due but not received, which will be raised as debtors for the period.

All expenditure incurred for the period will be recognised.

Provision will be made for all unpaid creditors.

Funds received for specific purposes but not expended during the period will be identified as either external or internal restrictions.

All known assets acquired during the period will be recognised at actual cost, or at fair value in line with the staged implementation of Fair Value Accounting for assets.

All known liabilities incurred during the period will be recognised at actual or committed cost.

All known assets of Council will be recognised and brought to account.

The 2007/2008 Special Purpose Financial Reports are being prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting.

LEGAL AND POLICY IMPLICATIONS

Signing of the Statement giving Council's opinion on the financial reports will comply with Section 413 of the Local Government Act 1993.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

The annual financial reports are useful in providing Council, the Department of Local Government and general-purpose users of local government with financial information to assist in making and evaluating decisions about the allocation of Council's resources, its efficiency, financial sustainability and comparability.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

PriceWaterhouseCoopers, Council's External Auditor, in providing advice on accounting concepts and standards.

The Department of Local Government in providing advice on recent changes to the Code of Accounting Practice

OPTIONS

- 1) Ratify the referring of the draft 2007/2008 General Purpose Financial Reports and Special Purpose Financial Reports for audit and sign the Statements.
- 2) Reject the referring of the draft 2007/2008 General Purpose Financial Reports and Special Purpose Financial Reports for audit and not sign the Statements

ATTACHMENTS

- 1) Statement by Council as to its opinion on the General Purpose Financial Reports
- 2) Statement by Council as to its opinion on the Special Purpose Financial Reports

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Ni

ATTACHMENT 1

Financial Report 2008

Port Stephens Council

General Purpose Financial Report
for the financial year ended 30 June 2008

Statement by Councillors and Management
made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, this Report:

- presents fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 26 August 2008.

R Swan
MAYOR

S Dover
COUNCILLOR

P Gesling
GENERAL MANAGER
RESPONSIBLE ACCOUNTING OFFICER

page 2

ATTACHMENT 2

Financial Report 2008

Port Stephens Council

General Purpose Financial Report
for the financial year ended 30 June 2008

Statement by Councillors and Management
made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Report has been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, this Report:

- presents fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render this Report false or misleading in any way.

Signed in accordance with a resolution of Council made on 26 August 2008.

R Swan
MAYOR

S Dover
COUNCILLOR

P Gesling
GENERAL MANAGER
RESPONSIBLE ACCOUNTING OFFICER

page 2

ITEM NO. 3

FILE NO: PSC2005-4161

**TEMPORARY SUSPENSION OF SECTION OF SHOAL BAY CBD
ALCOHOL-FREE ZONE (AFZ)**

REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the temporary suspension of a section of the Shoal Bay town centre Alcohol-Free Zone on 6 September 2008 between the hours of 12 noon and 8.00 p.m. and on 7 September 2008 between 12 noon and 6.00pm in the areas shown in Attachment 1 of this report, for the facilitation of the *Annual Shoal Bay Jazz Wine & Food Festival*.
-

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

218	Councillor Nell Councillor Robinson	It was resolved that the recommendation be adopted.
------------	--	--

BACKGROUND

The purpose of this report is to inform Council that a request has been received from Shoal Bay Resort & Spa to temporarily suspend a specific area of the Shoal Bay Alcohol-Free Zone (AFZ) during this year's *Annual Shoal Bay Jazz, Wine & Food Festival*.

The area for which approval is sought (as shown in attachment 1) is the section of Shoal Bay Road between Government Road and Tomaree Street.

The hours of suspension would be 6 September 2008 between 12 noon and 8.00 pm and 7 September 2008 between 12 noon and 6.00 pm. At all other times the area would operate as an AFZ.

All wine company vendors who are participating in this event will be required to provide the licensee (Shoal Bay Resort & Spa) with proof of Responsible Service of Alcohol Training. Four security guards will be employed to monitor the area during the suspension of the AFZ with the assistance of local Police and Maitland Licensing Police. People will also be reminded that at the end of the requested times AFZ conditions should be observed.

Council will inform the public of the proposed area and hours of the suspension by notice published in the local paper at least 7 days before the event.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Suspensions of AFZ are guided by Section 645 of the *Department of Local Government's Ministerial Guidelines on AFZ*, which state: -

A Council is not limited in the reasons for which it may suspend... an alcohol-free zone. A suspension would not usually be appropriate for any period longer than one month, and generally would be of a much shorter duration (eg. to accommodate a specific event).

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*

4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*

- 5) **CONTINUOUS IMPROVEMENT** – Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Suspension of the AFZ in these areas could possibly lead to an increase in alcohol related crime and anti-social behaviour. However, as this function will be held in daylight hours and will be monitored by security staff and Police, this is unlikely to occur.

ECONOMIC IMPLICATIONS

The suspension of the AFZ will allow the *Annual Shoal Bay Jazz Wine & Food Festival* to take place. This annual festival will attract many tourists to Port Stephens and help promote the area, increasing income and employment opportunities.

ENVIRONMENTAL IMPLICATIONS

The event organisers will remove and dispose of all waste generated by the event. This includes regular checks and removal of any rubbish on the beach throughout the event.

CONSULTATION

The local Police have been notified and support the proposal subject to the presence of security guards who will monitor the event for the duration of the suspension.

OPTIONS

- 1) To accept the recommendation
- 2) To amend the recommendation
- 3) To reject the recommendation calling for more information to support the report

ATTACHMENTS

- 1) Map identifying proposed area affected by the temporary suspension of the Shoal Bay CBD AFZ.

TABLED DOCUMENTS

- 1) Nil

ORDINARY MEETING – 26 AUGUST 2008

Note: Cr Tucker declared an interest in this matter and left the meeting at 7.05pm.

ITEM NO. 4

FILE NO: PSC 2006-0039

PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 – PROHIBITION OF “DEPOTS” IN THE RURAL 1(A) ZONE

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the approach of considering whether depots should be made permissible in the Rural 1(a) zone or not as being part of the preparation of the Comprehensive port Stephens LEP due in March 2011 for Ministerial endorsement.

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

- 1) Endorse the approach of considering whether depots should be made permissible in the Rural 1(a) zone or not as being part of the preparation of the Comprehensive port Stephens LEP due in March 2011 for Ministerial endorsement.

AMENDMENT:

Moved Cr Nell Seconded Cr Brown

That Council initiate a draft LEP in accordance with Section 54 of the Environmental Planning and Assessment Act to make depots permissible uses in the Rural 1 (a) Zone and include this draft LEP amendment in the first stage review of Port Stephens LEP 2000 – also including road transport terminals as appropriate.

The amendment on being put was lost.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

219	Councillor Dover Councillor Brown	It was resolved that the staff recommendation be adopted.
------------	--	--

The purpose of this report is to respond to the Matter Arising at the Ordinary Council Meeting of 22 July 2008 regarding the Council Resolution of June 2006 and the issue of “depots” being prohibited in the Rural 1(a) zone under the Port Stephens Local Environmental Plan 2000.

BACKGROUND

On 22 July 2008 Council resolved that an information report be submitted to Council in August 2008 regarding depots in Rural 1(a) zones including:

- a) implementation of the Council resolution of June 2006; and
- b) The reasons why depots were recommended and resolved to be prohibited in the Rural 1(a) zone in September 2003.

At the Council meeting of 25 July 2006, the Notice of Motion was:

That Council:

Prepare a draft amendment for the Port Stephens Local Environmental Plan 2000 to propose that depots become permissible use in Rural 1(a) zone.

The resultant Council Resolution was:

It was resolved that the matter be referred to the workshop to be held to consider amendments to the Port Stephens Local Environmental Plan 2000.

The matter was discussed at the subsequent workshop of Port Stephens LEP 2000 on 19 September 2006.

Port Stephens Local Environmental Plan 1987

The Port Stephens Local Environmental Plan (LEP) 1987 was gazetted on 13 November 1987. The 1987 LEP had limited permissible uses in the 1(a) (Rural "A" Zone). Objectives of this zone focused predominantly on the protection of rural lands to ensure long term economic viability. Depots, as defined in the current LEP 2000, were not permissible in this zone, however, a bus depot and liquid fuel depot were permissible with consent. It should be noted that the majority of definitions used in this LEP were from the Environmental Planning and Assessment Model Provisions 1980 which formed part of the Environmental Planning and Assessment Act, 1979. Councils had the choice of either adopting definitions in the Model Provisions as part of their LEP or developing their own. At this time it was common practice among Councils to adopt all of the Model Provision Definitions.

Port Stephens Local Environmental Plan 2000

On 29 December 2000 the Port Stephens Local Environmental Plan (LEP) 2000 was gazetted. This document replaced the Port Stephens Local Environmental Plan 1987. During the development of this LEP it was determined that the Model Provisions would not be included and that Council would develop a more contemporary set of definitions with new zone tables. With the introduction of a new Planning Instrument, it is not until the document has been in force for at least 12 months that full implication or impacts, both positive and negative, become evident. It is generally accepted that the first twelve months of operation should be monitored closely and a general view undertaken at the end of this period.

Review of Port Stephens Local Environmental Plan 2000.

As LEP 2000 had been in operation for over 12 months, Council resolved to prepare a draft Local Environmental Plan to correct any inconsistencies or anomalies regarding its operation on 23 April 2002 (Refer Attachment 1). The main component of this draft LEP was to remove a number of inappropriate land uses that were permissible in the Rural 1(a), Residential 2(a) and 2(c) zones in order to ensure consistency with the zone objectives and eliminate the potential for land use conflict. In regard to the Rural zone, the draft plan recommended that "bus stations", "depots", "material recycling facility", "place of assembly", and "road transport terminals" be removed from the list of permissible uses. Depots were of concern at the time due to the potential impact on the future development of rural land, rural amenity, infrastructure provision and the natural environment. This land use was also

considered to be inconsistent with the zone objectives for rural land. It was concluded that depots were an industrial activity and be better located within an industrial zone.

The draft plan was exhibited for 50 days and one submission was received which related to the procedural fairness of the document, specifically how Council will assess development applications already lodged. The report states that the actual submission was non specific in nature and that the objection did not require an amendment to the plan as exhibited. The final report was adopted by Council on the 4 March/25 March 2003 (Refer to Attachment 2). The draft plan was gazetted on 5 September 2003.

Standard Instrument Local Environmental Plan

LEP Practice Note (PN 06-003) provides the direction for the preparation of the new Principal LEP which this Council is required to prepare by March 2011. The standard Dictionary includes a number of distinct 'groups' of land use terms that are broadly related by their definitions. These include:

- agriculture
- residential accommodation
- tourist and visitor accommodation
- retail premises
- business premises
- industry

A "depot" is listed under the Industry group.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

This Report was a request for information which involved the use of current staff resources to undertake the research and prepare the report.

LEGAL AND POLICY IMPLICATIONS

There is significant concern that a number of business operations, which are significant employers, in the Port Stephens local government area are depots in terms of LEP definition and do not have the relevant development consents/legal ability to operate. The issue of whether depots should be included as permissible uses in the Rural 1(a) zone should be resolved on a strategic basis in the process and outputs for the new Principal LEP due for finalisation through the State Minister by March 2011.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Depots being a prohibited use in the Rural 1(a) zone ensures that the rural amenity of this land is not compromised by incompatible land uses.

ECONOMIC IMPLICATIONS

Depots are predominantly an industrial activity which requires appropriate access to services and infrastructure such as roads designed to accommodate heavy vehicles. Further, allowing industrial activities in other zones may impact on the commercial variability of the activity due to the additional operational requirements to mitigate against loss of amenity i.e. hours of operations, noise limits, emission controls etc. In addition to the economic impacts of the developer, the impact of allowing inappropriate uses in other zones will have an adverse impact on the industrial zoned land. This has the potential of undermining the integrity and values of the industrial zones.

ENVIRONMENTAL IMPLICATIONS

As stated previously, depots are generally regarded as an industrial activity and as such need to be managed to ensure that the operations do not have an adverse impact on the environment. Potential impact from a depot will vary depending on the actual type of depot and materials/machinery involved in its operation. Considering the nature of rural activity/primary production the environmental impacts of a depot have the potential to have significant adverse impacts creating a major land use conflict.

CONSULTATION

No formal consultation has been undertaken in the preparation of this report.

OPTIONS

- 1) Council resolve to note the information provided in the Report.
- 2) Council resolve, as recommended, to endorse the issue of depots as part of the Port Stephens Comprehensive LEP preparation – due by March 2011 for Ministerial endorsement.
- 3) Council not support the recommendation and seek earlier inclusion of depots as permissible use in the Rural 1(a) zone through the LEP Panel and Minister for Planning.
- 4)

ATTACHMENTS

1. Council Report 23 April 2002. – Proposed amendment to Port Stephens Local Environmental Plan, 2000 – Review of permissible uses and minor changes. (Section 54)
2. Council Report 4 March 2003 – Proposed amendment to Port Stephens Local Environmental Plan, 2000 – Review of permissible uses and minor changes (adoption of draft Amendment following exhibition (Section 68(4))

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

COUNCIL REPORT 23 APRIL 2002. – PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN, 2000 – REVIEW OF PERMISSIBLE USES AND MINOR CHANGES (SECTION 54)

ITEM NO. 5

FILE NO: S9740-106

PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN, 2000 – REVIEW OF PERMISSIBLE USES AND MINOR CHANGES

AUTHOR: BO MOSHAGE - LAND USE PLANNER

RECOMMENDATION IS THAT COUNCIL:

- 1) Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 resolve to support a draft amendment to Port Stephens Local Environmental Plan 2000 and make changes to the permissible uses within a number of zones and other changes as detailed in this report.

Strategic Committee Recommendation: That the recommendation be adopted.

Matter Arising: A report to be provided on the usage of the previous Blue Ribbon Depot.

151	Councillor Nell Councillor Watson-Will	<ol style="list-style-type: none">a. Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979 resolve to support a draft amendment to Port Stephens Local Environmental Plan 2000 and make changes to the permissible uses within a number of zones and other changes as detailed in this report.b. Council establish a maximum Hardstand area of 60% in the 2(a) zone i.e. Maximum Hardstand Area = The maximum area of the site that includes building footprints and all impermeable surfaces in direct contact with the ground eg concrete slabs, outbuildings, paths, driveways, balconies and paved areas.
-----	---	---

Amendment:

Moved Cr Baumann
Seconded Cr Yudaeff

Item 1 as printed

Item 2 add that the reports be referred to planning staff for report as soon as possible.

The amendment on being put was lost.

Matter Arising:.

152	Councillor Plowman Councillor Kozary	<p>It was resolved that the report be brought before Council on the usage of the previous Blue Ribbon Depot which considers:</p> <p>The Existing use after closure of the Blue Ribbon Depot</p> <p>The present use of the land i.e. steel and wood manufacturing businesses, signage on the front of the property in relation to a statement regarding future Development Applications;</p> <p>Opportunities for rezoning</p> <p>The existing use rights.</p>
-----	---	---

BACKGROUND

The purpose of this report is to seek Council's endorsement for the proposed amendment to Port Stephens Local Environmental Plan, 2000 (the LEP) which will make some changes to permissible uses in a number of zones.

Over the past year staff have reviewed the permissible uses of the LEP. In general, the review has reaffirmed the appropriateness of most of the permissible uses for each zone. However, a small number have been identified for possible reassessment.

Some of the permissible land uses require clarification in order to enhance consistency with the zoning objectives and others require more explanation to make the LEP easier to interpret. In other areas of the LEP, unnecessary and superseded details require deletion.

A planning assessment reviewing land use permissibility and minor LEP changes is contained in the attachments.

LINKS TO CORPORATE PLANS

The following goals, objectives and strategies in Council's Management Plan relate to the Land Use Planning Program:

- Goal:** Provide long term community planning which integrates economic, environmental and social factors to achieve a sustainable Port Stephens.
- Objectives** Accommodate existing and future communities into the natural and built environment by land use strategies that promote sustainability. Plan for a safe, efficient and effective transport networks, connecting communities within Port Stephens and adjoining areas.
- Strategy** Plans developed and implemented which address land use and settlement issues.

The proposed amendment is consistent with the above goal and objectives providing further clarification to the Port Stephens Local Environmental Plan.

FINANCIAL/RESOURCE IMPLICATIONS

Staff resources in preparing and processing the amendment.

LEGAL AND POLICY IMPLICATIONS

The proposal has been considered and will be prepared in accordance with Council Policy and the Environmental Planning and Assessment Act 1979.

An existing use right under the provisions of the Environmental Planning and Assessment Act, 1979 would be applicable to those existing developments approved by Council notwithstanding the proposed land use permissibility changes which would have the effect of prohibiting such development in certain zones.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

A number of the proposed changes will reduce the potential for land use conflicts.

ECONOMIC IMPLICATIONS

A number of the proposed changes will help to reinforce and strengthen existing areas of commercial and industrial activity.

ENVIRONMENTAL IMPLICATIONS

A number of the proposed changes will reduce the permissibility of incompatible and possibly environmentally damaging land uses in inappropriate zones.

CONSULTATION

The proposed amendment will be referred to relevant government agencies. Community input will be sought during formal exhibition.

OPTIONS

- 1) Adopt the recommendation.
- 2) Reject or amend the Recommendations.

ATTACHMENTS

- 1) Proposed adjustments to the Port Stephens Local Environmental Plan, 2000

COUNCILLORS ROOM

- 1) Port Stephens Local Environmental Plan, 2000

ATTACHMENT 1

PLANNING ASSESSMENT

Over the past year staff have reviewed the permissible uses of the LEP. In general, the review has reaffirmed the appropriateness of most of the permissible uses for each zone. However, a small number have been identified for possible reassessment, and are detailed below.

Review of Permissible Uses of the Local Environmental Plan and Minor Changes

1) Bus Station

Bus Station means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

Currently bus stations (which is different to bus stop) are a permissible land use in the Rural 1(a) and Residential 2(a) zone. It is recommended that this item be added to the list of prohibited land use in the Rural 1(a) and Residential 2(a) zone as an inappropriate land use that is inconsistent with zoning objectives. It is considered that a bus station would be better suited to and reinforce the Commercial 3(a) zones and transport nodes.

Conclusion: Remove bus station as a permissible land use in the Rural 1(a) and Residential 2(a) zone.

2) Camp/Caravan Sites

Camp/Caravan Sites means a site used for the purpose of:–

(a) placing moveable dwellings within the meaning of the Local Government Act 1993 for permanent accommodation, or for the temporary accommodation of tourists, or

(b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.

Currently camp/caravan sites are a permissible land use in the Residential 2(a) zone. It is recommended that this item be added to the list of prohibited land use in the Residential 2(a) zone as an inappropriate land use inconsistent with the zoning objectives. It is considered that camp/caravan sites would be better suited to existing Rural, Recreation and Environmental Protection (Coastal Lands) 7 (f3) zones where tourist facilities are also permissible.

Conclusion: Remove camp/caravan sites as a permissible land use in the Residential 2(a) zone.

3) Club

Club means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the Registered Clubs Act, 1976;

Currently a club is a permissible land use in the Residential 2(a) and 2(c) zone. It is recommended that this item be added to the list of prohibited land use in the Residential

ATTACHMENT 1

2(a) and 2(c) zone as an inappropriate land use that is inconsistent with zoning objectives. It is considered that Clubs should not encroach into residential zones and would be better suited to existing Commercial and Recreation zones only where all but the Nelson Bay RSL club are currently located.

Conclusion: Remove club as a permissible land use in the Residential 2(a) and Residential 2(c) zone.

4) Depot and Road Transport Terminal

Depot means a building or place used for the servicing, repair and storage of any plant, machinery, motor vehicles or stock of materials or spare parts used in the course of any one business or industrial undertaking or public utility undertaking, but does not include any part of the building or place used for sales by retail, wholesale or otherwise.

Road Transport Terminal means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

Currently both are a permissible land uses in the Rural 1(a) zone. It is recommended that these items be added to the list of prohibited land use in the Rural 1(a) zone as inappropriate land uses that are inconsistent with zoning objectives. It is considered that Depot and Road Transport Terminal are better suited to the Industrial 4(a) zone only.

Conclusion: Remove depot and road transport terminal as permissible land uses in the Rural 1(a) zone.

5) Material Recycling Facility

Materials Recycling Facility means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts thereof.

Currently a permissible land use in the Rural 1(a) zone. It is recommended that this item be added to the prescribed list of prohibited land use in the Rural 1(a) zone as an inappropriate development inconsistent with zoning objectives. It is considered that a Material Recycling Facility would be better suited to the Industrial 4(a) zone.

Conclusion: Remove materials recycling facility as a permissible land use in the Rural 1(a) zone.

6) Place of Assembly

Place of Assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

ATTACHMENT 1

Currently place of assembly are a permissible land use in the Residential 2(a) and 2(c) zone. It is recommended that this item be added to the list of prohibited land use in the Residential 2(a) and 2(c) zone as an inappropriate development inconsistent with the zoning objectives. It is considered that place of assembly would be better suited to existing Commercial and Recreation zones and should not continue to encroach into residential zones.

Conclusion: Remove place of assembly as a permissible land use in the Rural 1(a) and Residential 2(a) zone.

7) Hotels and Restaurants

Hotel means the premises to which a hotelier's licence granted under the Liquor Act 1982 relates.

Restaurant means a building or place used principally for providing prepared food to people for consumption on the premises or to take away or for preparing both kinds of food.

Currently hotels and restaurants are a permissible land use in the Rural 1(a) zone. It is recommended that these items only be considered as a permissible land use in the Rural 1(a) zone in conjunction with a tourist facility, otherwise they should be prohibited as inappropriate development.

Conclusion: Allow hotel and restaurant as permissible land uses in the Rural 1(a) zone only in conjunction with tourist facilities.

8) Retail Plant Nursery

Retail Plant Nursery means a building or place primarily used for the retail selling of plants.

The current retail plant nursery definition does not cater for the sale of landscaping supplies and horticultural products as compatible and like land uses. It is therefore recommended that the current retail plant nursery definition be expanded to include:-

... "**whether or not it is also used for the sale of landscape supplies (including earth products) or other landscape and horticultural products**".

Irrespective of the above, retail plant nursery is currently a permissible land use in the Residential 2(c) zone. It is recommended that this item be added to the list of prohibited land use in the Residential 2(c) zone as an inappropriate development inconsistent with zoning objectives. It is considered that retail plant nursery would be better suited to the existing Rural, Commercial and/or Industrial zones.

Conclusion: modify the current definition of retail plant nursery to also include the sale of landscaping supplies and horticultural products and remove it as a permissible land use in the Residential 2(c) zone.

9) Remove from Cause 62 of the LEP - Particular Development Permitted with Consent - the following items whose development standards have now been superseded with the lodgement and subsequent approval of the following development consents:-

ATTACHMENT 1

- Service station and associated restaurant and convenience store at Lot 8 DP 822162, corner Lavis Lane and Nelson Bay Road, Williamstown. Development consent was issued by Council on 1 February 2001 under development application 16-2001-385-1
- Service station and associated shops and restaurant at Lot 1 D.P. 158268, No. 3 Richardson Road, Lots 6 and 7 D.P. 240103, No. 5 and 7 Richardson Road, Lots 20 and 23 D.P. 240103, No. 2 and No. 4 Road 559, new M.R. 518, Salt Ash. Development consent was issued by Council on 14 October 1998 under development application 16-1998-896-1
- Service centre, including service station and associated shops and restaurant at Lot 1, D.P. 854649 No. 183 Cabbage Tree Road, Williamstown. Development consent issued by Council on 8 May 2001 under development application 16-2000-1101-1

Conclusion: Remove reference to these particular items as development permitted with consent as the sunset clause relating to permissibility no longer applies with development approval being issued within the prescribed time.

ATTACHMENT 2

COUNCIL REPORT 4 MARCH 2003 – PROPOSED AMENDMENT TO PORT STEPHENS LOCAL ENVIRONMENTAL PLAN, 2000 – REVIEW OF PERMISSIBLE USES AND MINOR CHANGES (ADOPTION OF DRAFT AMENDMENT FOLLOWING EXHIBITION (SECTION 68(4))

ITEM NO. 5

FILE NO: S9740-106

PORT STEPHENS LOCAL ENVIRONMENTAL PLAN 2000 (DRAFT AMENDMENT NO.9) - REVIEW OF PERMISSIBLE USES AND MINOR CHANGES.

AUTHOR: BO MOSHAGE - LAND USE PLANNER

RECOMMENDATION IS THAT COUNCIL:

Pursuant to Section 68(4) of the Environmental Planning and Assessment Act 1979, furnish a report to the Director General requesting the Minister to make the plan.

BACKGROUND

This report recommends the referral of Draft Amendment No 9 of the Port Stephens Local Environmental Plan 2000 (the Plan) to the Minister for Planning for gazettal.

On 23 April 2002, Council resolved to put on public exhibition draft Amendment No. 9.

The purpose of the amendment is to:-

- (a) remove a number of inappropriate land uses currently permissible in the Rural 1(a), Residential 2(a) and Residential 2(c) in order to enhance consistency with zoning objectives;
- (b) allow hotel and/or restaurant as permissible land uses in the Rural 1(a) zone only in conjunction with tourist facilities;
- (c) modify the current definition of retail plant nursery to also include the sale of landscaping supplies and horticultural products; and
- (d) to remove unnecessary and superseded details.

The Plan was placed on public exhibition with one objection received. Staff delegations require reporting to Council when Draft Amendments are subject of an objection. It is considered that the objection does not warrant change to the plan as exhibited, and accordingly the Plan should be forwarded to the Minister for making.

LINKS TO CORPORATE PLANS

The following goals, objectives and strategies in Council's Management Plan relate to the Community Planning Program:

Goal:

- Increase in population is accommodated into the natural and built environment by land use strategies that promote sustainability.

Objectives:

- Strategic land use plans and polices are produced and reviewed so as to match Council and Community needs.
- Plans and policies take into account the significant natural environment and heritage of Port Stephens.

The proposed amendment is consistent with the above goal and objectives providing further clarification to the Port Stephens Local Environmental Plan.

FINANCIAL/RESOURCE IMPLICATIONS

Staff resources in forwarding the Plan to the Minister are accommodated in existing budgets. There are no other financial implications.

LEGAL AND POLICY IMPLICATIONS

The proposal has been considered and prepared in accordance with Council Policy and the Environmental Planning and Assessment Act 1979.

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The proposed changes will reduce the potential for land use conflicts.

ECONOMIC IMPLICATIONS

The proposed changes will help to reinforce and strengthen existing zones.

ENVIRONMENTAL IMPLICATIONS

The proposed changes will reduce the permissibility of incompatible and possibly environmentally damaging land uses in inappropriate zones.

CONSULTATION

The draft plan was exhibited for 50 days from 28 November 2002 to 17 January 2003. One (1) submission was received objecting to the “procedural fairness” of the proposed rezoning.

A copy of the submission is available in the Councillors room with issues raised summarised in the Attachments.

The following government authorities were consulted prior to preparation of the draft plan:-

- NSW Public Works;
- Department of Land and Water Conservation;
- National Parks and Wildlife Service;
- Roads and Traffic Authority;
- Hunter Water Corporation;

- Environmental Protection Authority
- Coastal Council of NSW; and
- Adjoining Councils.

Comments were also sought from the Tomago-Tomaree Groundwater Management Committee due to impact of some activities on groundwater.

There were no issues raised that necessitated changes to the Plan.

OPTIONS

Adopt the recommendation.

Reject or amend the Recommendations.

ATTACHMENTS

- 1) Summation of issues raised from public exhibition.

COUNCILLORS ROOM

Copy of Submission

Port Stephens Local Environmental Plan, 2000

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
SUMMATION OF ISSUES RAISED FROM PUBLIC EXHIBITION

SUBMISSION No. 1 - Hunter Development Brokerage

Key Issues of Submission

- Concerned with regard to the “procedural fairness” of the Plan
- Suggest that a number of development applications lodged with Council prior to the draft Plan and subsequently identified as prohibited “will not be judged fairly on merit”
- Consider that a savings provision be introduced into the plan to preserve the permissibility of the proposed development application in this case.

Comment

The concerns with regard to the “procedural fairness” of the Plan and whether or not a development application lodged with Council prior to the exhibition of the draft Plan for a land use subsequently identified as prohibited “not being judged fairly on merit” are unfounded.

The formal amendment process commenced in July 2001, culminating in a report to Council on 23 April 2002. The aims of the amendment were to remove inappropriate land uses currently permissible to enhance consistency with the zoning objectives of the Port Stephens Local Environmental Plan 2000

Any application which is lodged with Council is subject to normal planning consideration under the provisions of the Environment Planning & Assessment Act 1979, including natural and physical features of the area. Such features may constrain or prevent the development ability of the land depending on the specific circumstances affecting the site.

Notwithstanding the above, it is the general inappropriateness of those land uses identified as being inconsistent with the zoning objectives that has warranted the amendment to the Port Stephens Local Environmental Plan, in order to reduce the potential for land use conflicts and reinforce and strengthen existing zoning provisions.

Conclusion

The submission received is non specific in nature. It is considered that the objection to the Draft Amendment does not raise any issues that require alteration to the Plan.

Note: Cr Tucker returned to the meeting at 7.30pm during Item 5.

ITEM NO. 5

FILE NO: PSC2008-0006

WILLIAMTOWN DEFENCE AND AIRPORT RELATED EMPLOYMENT ZONE

REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Resolve to investigate rezoning the remainder of land under the DAREZ Strategy (**Attachment 1**) to SP1 Special Activities – Defence and Airport Related Employment Development subject to;
 - a. further information being provided by the proponents to address flooding, geotechnical and biodiversity issues, as identified in this report, that demonstrates satisfactory resolution of these constraints;
 - b. Council seeking independent advice on the economic impacts of rezoning the subject lands upon the staging and implementation of “High, Medium and Low Proximity” land identified in the DAREZ Strategy and Draft Port Stephens LEP 2000 Amendment No. 29 that Council adopted on the 24th June 2008;
 - c. Consultation is undertaken with relevant landowners;
- 2) Resolve that the results of the investigations and resolution of constraints be reported to Council for further consideration prior to having the matter potentially subject to a resolution under Section 54 of the Environmental Planning and Assessment Act (1979 as amended) and submitted to the NSW Department of Planning LEP Review Panel.

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

Motion:

Moved Cr Hodges Seconded Cr Dover

That Council can resolve to formally initiate the rezoning process for proposals 1 and/or 2 under Section 54 of the Environmental Planning & Assessment Act (as amended) 1979. This would have the effect that the draft LEP would be forwarded to the NSW Department of Planning without further reference to Council subject to the Group Manager, Sustainable Planning being satisfied that the further information submitted on flooding, geotechnical and biodiversity issues, together with the advice on economic impacts, supports that submission going forward to the Department with the inclusion of additional investigation area.

Amendment:

Moved Cr Nell Seconded Cr Tucker

- 1) Resolve to investigate rezoning the remainder of land under the DAREZ Strategy (**Attachment 1**) to SP1 Special Activities – Defence and Airport Related Employment Development subject to;

ORDINARY MEETING – 26 AUGUST 2008

- a. further information being provided by the proponents to address flooding, geotechnical and biodiversity issues, as identified in this report, that demonstrates satisfactory resolution of these constraints;
 - b. Council seeking independent advice on the economic impacts of rezoning the subject lands upon the staging and implementation of “High, Medium and Low Proximity” land identified in the DAREZ Strategy and Draft Port Stephens LEP 2000 Amendment No. 29 that Council adopted on the 24th June 2008;
 - c. Consultation is undertaken with relevant landowners;
- 2) Resolve that the results of the investigations and resolution of constraints be reported to Council for further consideration prior to having the matter potentially subject to a resolution under Section 54 of the Environmental Planning and Assessment Act (1979 as amended) and submitted to the NSW Department of Planning LEP Review Panel.

That Council acknowledge, and express support for, the inclusion in the Defence and Airport Related Employment Zone, the following properties in Cabbage Tree Road, Williamtown: Lot 131 in DP609165, Lot 132 in DP609165, Lot 1 in DP832554; Lot 2 in DP832554, Lot 1 in DP1956042, Lot 2 in DP195042, Lot 1 in DP99417, Lot 12 in DP4831 – with submissions for these inclusions appropriately being submitted to the Project Control Group through the Department of Planning by the relevant land owners.

The amendment on being put became the motion which was put and carried.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

220	Councillor Nell Councillor Hodges	It was resolved that the recommendation contained in the amended motion from the Operations Committee meeting of 12 August 2008 be adopted.
------------	--	--

PURPOSE

The purpose of this report is for Council to consider two requests for land that was excluded from the Williamtown Defence and Airport Related Land Uses Development Strategy subject to the resolution of flooding, drainage and geotechnical constraints.

PROPOSAL DETAILS

PROPOSAL 1

IDENTIFIED IN ATTACHMENT 3

Owner(s): Buildev Pty Ltd. owns or holds options over the subject land
Proponent: Urbis JHD (on behalf of Buildev Pty Ltd)
Date of Submission: May 2008
Subject land: Lot 1 in DP 798050, Lot 9 in DP1106878, Lot 7 in DP 1059398, Lot 3 in DP 1106651, Lot 7 in DP 4831, Lot 2 in DP 1106651, Lot 1 in DP 1106651, Lot 9 in DP 4831, Lot 10 in DP 4831 Cabbage Tree Road, Williamtown

Area: 28ha (approx)
Current Zone: 1(a) Rural Agriculture “A” zone
Proposed Zone: SP1 Special Uses – Defence and Airport Related Employment Development and E3 Environmental Management (subject to investigations)

PROPOSAL 2 IDENTIFIED IN ATTACHMENT 3

Owner: Hunter Land Pty Ltd owns or holds options over the subject land
Proponent: RPS HSO (on behalf of Hunter Land Developments Pty Ltd)
Date of Submission: June 2008
Subject land: Lot 11 DP1036501 Williamtown Drive & Cabbage Tree Road, Williamtown
Area: 10ha (approx)
Current Zone: 1(a) Rural Agriculture “A” zone
Proposed Zone: SP1 Special Uses – Defence and Airport Related Employment Development and E3 Environmental Management (subject to

investigations).

BACKGROUND

The Williamtown Defence and Airport Related Employment Zone Land Use Development Strategy 2007 (DAREZ Strategy) identified the subject lands having possible future development potential subject to further investigation and resolution of constraints.

Council at its meeting held on 24th June 2008 resolved to rezone approximately 80 ha of land within Stages 1-6 of the DAREZ Strategy, located north of the subject lands (draft Port Stephens LEP 2000 – Amendment No. 29).

The Strategy identified that future development of the subject lands is constrained by flooding, geotechnical and drainage constraints. Information submitted with both rezoning requests is not sufficient to determine the future development potential of the subject lands and impacts on adjoining lands. Further investigations and resolution of constraints are required to inform the preparation of a draft plan. Having regard for infrastructure and servicing considerations this should be undertaken in the context of the remaining land identified as having possible future development potential under the Strategy.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

FINANCIAL/RESOURCE IMPLICATIONS

Should Council wish to further investigate the preparation of a draft LEP to rezone the subject land, the Integrated Planning Section will be required to assess additional information from the proponents and undertake consultation with landowners and government authorities to prepare a draft LEP for Council's determination under section 54 of the Act.

LEGAL AND POLICY IMPLICATIONS

GENERAL

Council may resolve to investigate rezoning the subject lands. The Department of Planning, via the Project Control Group, has advised that Council must satisfy itself that the flooding, drainage and geotechnical issues can be resolved prior to forwarding a draft LEP to the Department of Planning and the LEP Review Panel. Hence, the results of the investigations and resolution of constraints will be reported to Council to determine whether to submit the draft LEP to the DOP under section 54(4) of the Act.

Should the LEP Review Panel support Council's request then formal consultation with relevant government authorities under section 62 of the Act will occur. Should investigations and consultations during preparation of a draft LEP determine that the subject land, or parts thereof, are not suitable for defence and airport related employment development, there are no legal implications if Council decides not to proceed further.

STRATEGIC POLICY

Lower Hunter Regional Strategy 2006 (LHRS) and Port Stephens Community Settlement and Infrastructure Strategy 2007 (CSIS) - the airport and surrounding lands has been identified as a "specialist centre" in the LHRS and the CSIS. The draft LEP is consistent with these Strategies. The proximity of the subject land to the Cabbage Tree and Nelson Bay Roads means that the rezoning requests have strategic merit in terms of physical, visual and transport access and to contribute to forming a physical and economic gateway to the region. The preparation of the DAREZ Strategy recognised this but the flooding, drainage and geotechnical issues affecting this land were considered so significant that it was appropriate to exclude this land until these constraints could be further investigated and resolved.

Williamstown DAREZ Strategy 2007 - was endorsed by the Project Control Group (PCG) and then by Council at its meeting on 24th June 2008. It provides a land use scenario for the staged development of land south of Williamstown Air Base based on "optimum development with selected exclusion" approach. An Indicative Staging Plan under the DAREZ Strategy is at **Attachment 2**. The DAREZ Strategy recommended rezoning approx 100ha of land suitable for defence and airport related employment development within stages 1-6. Council on 24th June 2008 resolved to proceed with approximately 90ha of land within these stages.

Land adjacent to Cabbage Tree Rd including the subject lands (land within "Proposal 1 and 2") were identified under the DAREZ Strategy to be constrained by flooding, geotechnical and drainage and included as "possible future stages (subject to further investigation)" (**Attachment 2**). Accordingly the subject lands were not endorsed by the PCG for rezoning as part of the Strategy at the time. The Strategy identified that the subject lands may become viable for development at some time in the future, but was not needed to provide the approximate 100ha minimum threshold envisaged to satisfy medium term growth. See **Attachment 3** for current status of subject land under the DAREZ Strategy.

Port Stephens Development Control Plan 2007

A chapter is being drafted to be inserted into the Port Stephens Development Control Plan 2007 (DCP 2007) that provides detailed development controls for the land that Council has already resolved to rezone within the DAREZ Strategy. The proposed additional chapter will be reported to Council in due course. Should any additional lands under the DAREZ Strategy be rezoned DCP 2007 will need to be amended at a future date.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The draft plan should be considered in the context of the proposed urban release areas of Kings Hill and Medowie and the associated social implications of developing these areas in relative close proximity to the DAREZ. Although planning for these areas is seeking to provide optimum opportunities for more sustainable employment activities, their close proximity the DAREZ employment lands is likely to create a mutually supportive relationship.

ECONOMIC IMPLICATIONS

The economic impact assessment for the DAREZ Strategy estimates that the DAREZ area has the direct capacity to create up to 2680 jobs during the construction phase, 5600 jobs upon completion with a potential income effect of \$246.6 million per annum.

The site selection process undertaken during development of the DAREZ strategy was for approx 100ha minimum threshold to account for Defence and Airport Related Employment Development. The implications of releasing additional “low-proximity” land and impacts on proposed stages 1-6 (land included in Draft Port Stephens LEP 2000 Amendment No. 29 adopted by Council in June 2008) and achieving the overall objectives of the defence and airport related employment zone will need to be addressed. Hence, Recommendation 1(b).

ENVIRONMENTAL IMPLICATIONS

Flora and Fauna

The subject lands are predominantly cleared, with the exception of approximately 6.9 hectares of vegetation at the northern part of the subject lands. The vegetation is identified as Paper Bark Swamp Forest, listed as an endangered ecological community under the *Threatened Species Conservation Act 1995*. The rezoning request under “Proposal 1” as

submitted proposes to rezone the vegetated areas to environmental protection. However, opportunity may exist to rezone these areas for development subject to a biodiversity offset agreement, which may be considered during preparation of the draft LEP as part of the consultation with the Department of Environment, Conservation and Climate Change.

It is important to note that Council's existing resolution to rezone land for development immediately to the north of the subject lands assumes the loss of substantial areas of vegetation, with a biodiversity offset agreement to be finalised prior to gazettal of the LEP amendment. The loss of this vegetation brings into question the value of retaining vegetation on the subject land, and the opportunity for a biodiversity offset agreement or biodiversity certification should therefore be investigated as part of the preparation of the LEP.

Flooding and Drainage

The Williamstown area is low lying and generally identified as being flood prone. Council receives numerous complaints from local residents concerning drainage and the impact, real and perceived, of the capacity of the existing drainage system to accommodate any additional development. Council also has ongoing concerns relating to the function of, and access to, existing drains in the area including Middle Drain on Cabbage Tree Road.

Proposal 1 - the flooding and drainage assessment is based upon a study completed for Council's Williamstown/Salt Ash Flood Study. The level of accuracy used in that study is insufficient in the subject area due to the flat nature of the terrain. Nevertheless, the assessment submitted indicates that required filling to accommodate development will create an 80mm rise over 2.5km. This scenario is unacceptable and a reduced footprint is recommended by the assessment. The reduced footprint still indicates a 40mm rise over the same area. The assessment also indicates a reduced flood level on the land to the east due to an incorrect flow direction assumed by the coarse levels of the above flood study. Council has new data indicating that this land would be affected by filling of the subject land.

Past complaints from local residents indicate that any filling in this area would cause unacceptable water level backup. Satisfactory resolution of flooding and drainage issues will be required. Additional information must be provided by the proponents to demonstrate that these issues can be resolved.

Proposal 2 - no flooding and drainage assessment has been submitted.

Geotechnical

Proposal 1 - the assessment submitted indicates that the low lying nature of the site, water accumulates making access difficult. However at the time of testing a long period of dry weather allowed access to the site however the water table was between 0.3m and 0.7m below the surface during this time.

The assessment indicates soft soils on this land can be managed by filling, preloading and possibly surcharging. The assessment gives no indication of height or extent of preloading or the time period. Such factors contribute to the impacts of flooding of adjacent properties.

Proposal 2 - no geotechnical assessment has been submitted.

SUMMARY

Further investigations, consultations and satisfactory resolution of these constraints are required. The existing information provided by the proponents is insufficient and additional information will need to be submitted to provide for the orderly and economic use of the remaining land identified in the DAREZ Strategy.

Furthermore, Council needs to consider preparing a draft LEP for the entire remaining land identified in the DAREZ Strategy to ensure the issues are addressed in a strategic and comprehensive manner, rather than undertake a 'piecemeal' approach to rezoning. For these reasons it should be noted that there are a number of other allotments that are additional to Proposals 1 and 2 recommended for inclusion for investigation before resolving to prepare a draft LEP. The owners of these other allotments will need to be consulted with during investigations. Land found to be unsuitable for development can then be excluded from any draft LEP following detailed investigations into all of the relevant issues and consultation with the respective landowners.

CONSULTATION

Internal consultation has occurred with Council's Environment Services Section, Engineering Services, and Strategic Engineer. Their advice has been incorporated into this report.

The proposals were considered by the Project Control Group on 24th July 2008. The PCG supported the investigations and process. Should Council resolve to investigate the development potential of the subject land consultation with the relevant government agencies, stakeholders and landowners will be undertaken and reported to Council in due course?

OPTIONS

- 1) Council adopt the recommendations of this report
- 2) Council not adopt the recommendations of this report and resolve not to prepare an LEP this point in time while further investigations are undertaken by the applicant.
- 3) Council can resolve to formally initiate the rezoning process for proposals 1 and/or 2 under Section 54 of the Environmental Planning & Assessment Act (as amended) 1979. This would have the effect that the draft LEP would be forwarded to the NSW Department of Planning without further reference to Council subject to the Group Manager, Sustainable Planning being satisfied that the further information submitted on flooding, geotechnical and biodiversity issues, together with the advice on economic impacts, supports that submission going forward to the Department.

ATTACHMENTS

- 1) Attachment 1 – DAREZ Investigation Area
- 2) Attachment 2 – DAREZ Indicative Staging Plan
- 3) Attachment 3 – Status of Land within the DAREZ Strategy

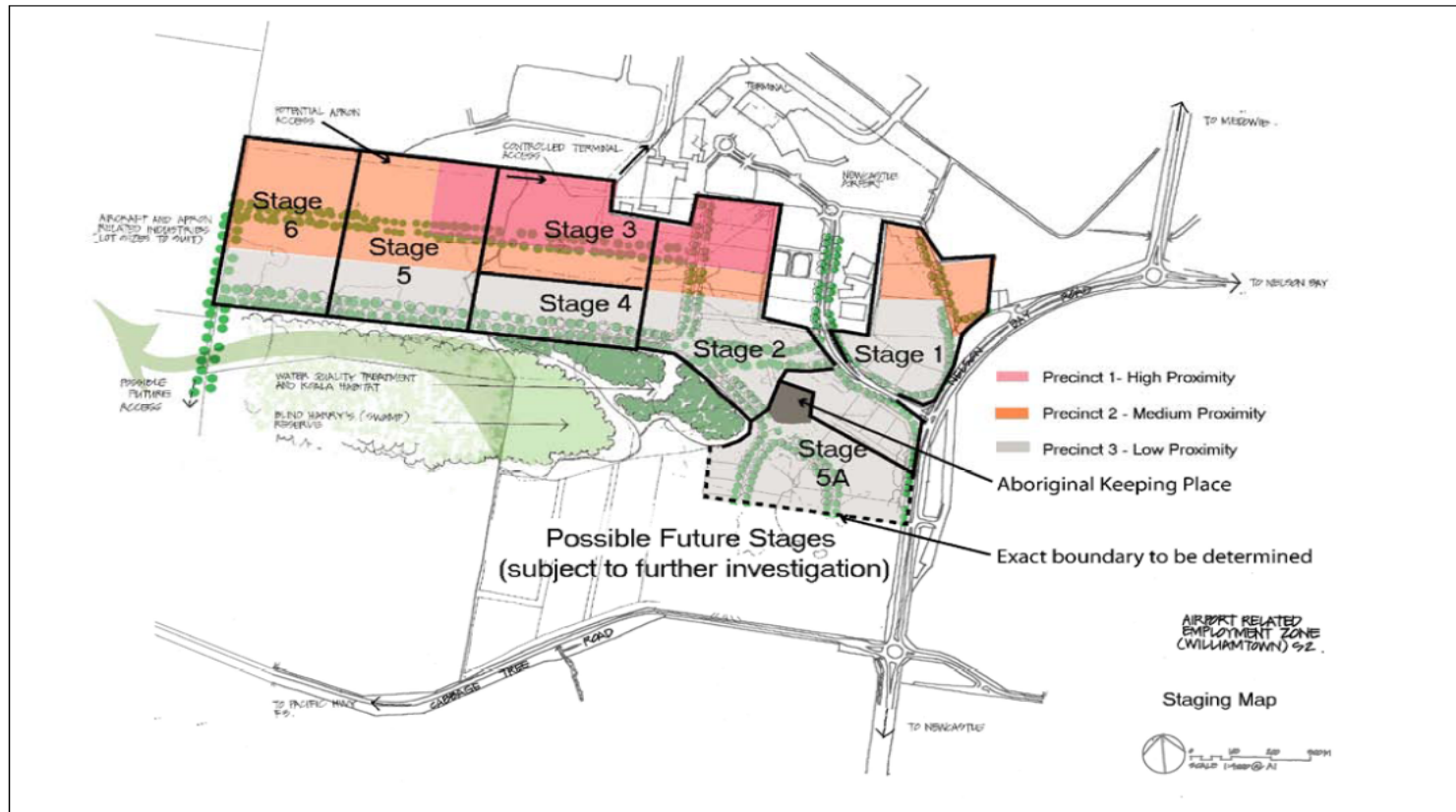
COUNCILLORS ROOM

- 1) DAREZ Strategy – Volume 1
- 2) Proposal 1 - Rezoning Request Report – Buldev Land
- 3) Proposal 2 - Rezoning Request Report – Hunter Land Additional Land

TABLED DOCUMENTS

Nil

ATTACHMENT 2
DAREZ INDICATIVE STAGING PLAN



CLIENTS | PEOPLE | PERFORMANCE

NSW Department of Planning
Airport Related Employment Zone (Williamtown)
Indicative Staging
Plan
4th December 2007

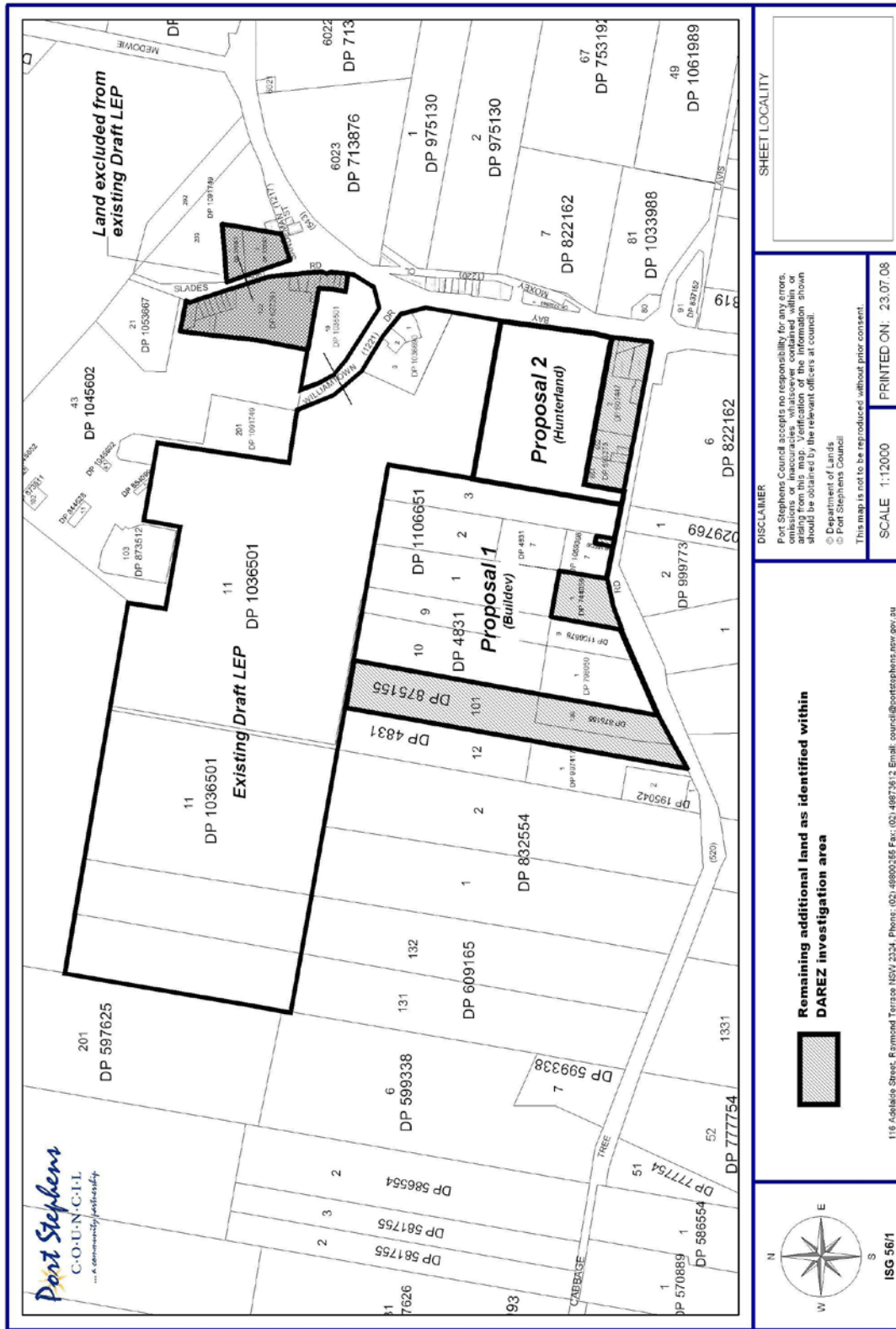
job no. 22-12808
rev no. A

Figure 14

G:\12112808\GIS\Maps\Report Figures\Stage 4 Report Figures\Fig_Indicative_Staging_041207.mxd
© spatial data courtesy of Harper Somers O'Gullivan

352 King Street Newcastle NSW 2300 Australia T 61 2 4979 9999 F 61 2 4979 9988 E ntmal@ghd.com.au W www.ghd.com.au

ATTACHMENT 3
STATUS OF LAND WITHIN THE DAREZ STRATEGY



ITEM NO. 6

FILE NO: PSC2007-3153

DEVELOPMENT ASSESSMENT SERVICE DELIVERY

REPORT OF: DAVID BROYD – GROUP MANAGER SUSTAINABLE PLANNING

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the General Manager to proceed to seek to form a Reference Group of representative organisations in the Lower Hunter who are stakeholders in the quality of service delivery of development assessment of this Council;
- 2) Note the latest performance indicators for development assessment;
- 3) Note that the Group Manager, Sustainable Planning will evaluate the potential for a Design Review Panel for this Council with recommendations to Council anticipated in November 2008.

The purposes of this report are to:

- a) provide recommendation to Council for the formation of a Reference Group of representative organisations (Hunter Branches) who are stakeholders in the quality of Service Delivery of Development Assessment by this Council and,
- b) for Council to note the intent of the Group Manager Sustainable Planning to convene a Design Review Panel for this Council.

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

221	Councillor Nell Councillor Francis	It was resolved that the recommendation be adopted.
------------	---	--

The purposes of this report are to:

- a) provide recommendation to Council for the formation of a Reference Group of representative organisations (Hunter Branches) who are stakeholders in the quality of Service Delivery of Development Assessment by this Council and,
- b) for Council to note the intent of the Group Manager Sustainable Planning to convene a Design Review Panel for this Council.

BACKGROUND

The delivery of the Development Assessment function by this Council is now approaching a significant transition because of:

- a) the legislating of the State Government's Planning Reform Agenda and,
- b) the implementation of key elements of the Business Process Review conducted by this Council (the Regulation Review Incentives Program – RIFF)

The Planning Reform legislation has now passed through both of the Lower and Upper House of State Parliament. To achieve the optimum response by this Council to the new Planning Reform Legislation, it is proposed to take the initiative of forming a Reference Panel for Development Assessment Service Delivery, comprising of the President/nominee of the following representative organisations in the Hunter:

- The Property Council (Hunter Branch)
- The Planning Institute of Australia (NSW Division - Hunter Branch)
- The Urban Development Institute of Australia (Hunter Branch)
- The Housing Industry Association (Hunter Branch)
- The Royal Australian Institute of Architects (Hunter Branch) and,
- The Master Builders Association (Hunter Branch)

These organisations will have been contacted and requested to participate in such a Reference Group before the Operations committee and Council in August 2008 and feedback will be provided at the Committee and Council meetings.. Discussions have also been initiated about the possibility of forming such a Panel(s) at a sub-regional level, i.e, the Lower Hunter and having the Panel also comprise the Directors of Planning and Managers of Development and Building/equivalents of Newcastle City Council, Lake Macquarie City Council, Cessnock City Council and Maitland City Council. An update on the responses from the representative organisations and the Lower Hunter Councils will be provided at the Committee and Ordinary Council Meetings.

Performance Indicators

Below is a table that presents the general comparison of performance in development assessment for financial years 2005/06, 2006/07 and 2007/08. This represents a favourable progressive improvement in performance in development assessment.

Financial Year	2005/06	2006/07	2007/08
Value	\$273 M	\$189 M	\$181 M
Approved	1697	1498	1234
Refused	51	24	33
Withdrawn	88	46	35
Total	1836	1568	1302
Average net Determination Days	86	44	34
Median net Determination Days	38	27	22

Environmental Planning & Assessment Amendment Act 2008

This Act was passed by both Houses of State Parliament in June 2008. The implementation program is currently being finalised by the Minister and the Department of Planning. Council's Group Manager, Sustainable Planning is on a Panel of nine (9) Directors of

Planning (three Directors from the Metropolitan area, three Directors from Coastal NSW and three Directors from Rural/Regional NSW) which is working with the Minister and the State Department on implementation of the legislation.

In broad summary, the most significant implications for Councils are:

1. The targeted increase of Exempt & Complying development to 40 to 50% of all development proposals in the State within 4 years;
2. The potential initiation by the Minister of Joint Regional Planning Panels to replace Councils for:
 - a) mixed use development proposals exceeding \$20M in value;
 - b) Residential DA's exceeding \$50M in value;
 - c) Council initiated applications, and
 - d) Development proposals by the Crown in excess of \$5M in value.
3. The establishment of a State Planning Assessment Commission – a Panel of experts replacing the Minister as decision maker on major projects in the State (in accordance with Part 3(a) of the Act) except critical State infrastructure;
4. The initiation of planning arbitrators to make decisions on DA's less than \$1M in value when the DA has been in a Council for a minimum of 50 days and/or is subject to disputations between applicant and Council;
5. The revised processes for the early stages of preparing a draft LEP – the “gateway approach”.

Please note that there are a range of more complex and detailed clarifications to the above, and any other terms in the legislation that will be subject of a detailed briefing to Council in the near future.

One of the primary objectives submitted for Council to pursue is achieving levels of performance in development assessment that satisfy the Minister to not replace Council by a Joint Regional Planning Panel for decision making on development applications.

Design Review Panels

These were initiated under State Environmental Planning Policy No. 65 – Residential Flat Buildings. These Panels enable specialist advice on urban design, architecture and landscape design to be provided at both pre-lodgement and assessment stages of significant DA's in accordance with SEPP65.

Independent Hearing Assessment Panels (IHAP's)

These Panels have been convened by a number of NSW Councils including Sutherland, Liverpool, Waverley and Ryde.

The IHAP's generally provide for:

- a) An independent hearing forum for objectors and applicants on certain applications;
- b) An independent and professional review of categories of DAs identified by the relevant Council, e.g. relating to value, “public interest implications”, number of unresolved objections etc. and also for development applications lodged by the relevant Council;
- c) The engagement of experts that provide specialist advice beyond the mainstream resources of the relevant Council eg. Architecture, traffic, landscape design, law and environment;
- d) An independent supplementary report on certain DA’s that in essence make recommendations through the relevant Director of Planning/General Manager to the Council.

Under the Environmental Planning Assessment Management Act 2008, the key provisions relating to IHAPS include:

- A Council may constitute an IHAP to assess any aspect of a development application or any planning matter referred to the Panel by a Council;
- A Council must constitute an IHAP to assess any aspect of a development application or any planning matter if assessment by a Panel is required by an EPI;
- The members of an IHAP are to be selected from a list of persons approved by the Director-General;
- The Panel is not subject to the direction of the Minister in making findings or recommendations, however an IHAP is to exercise its functions in accordance with the EP&A Regulation and any arrangements approved by the Minister;
- A Council is to provide staff and facilities for the purposes of enabling a Panel to exercise its functions;
- A member of an IHAP is to be paid such remuneration as the Minister determines from time to time.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

Under SEPP 65, Councils are enabled to obtain fees from applicants for the convening of Design Review Panels with a limit of \$650 – again there may be net additional cost incurred.

The IHAP's are generally funded by the relevant Council and therefore can lead to significant additional costs in the assessment process. Under the new State legislation, there is potential for a Council to make submissions to the Minister for Planning that can fund/partially offset the cost of such panels. This will form part of the evaluation by the Group Manager, Sustainable Planning over the next three months.

The initiation of a Design Review Panel particularly can provide supplementary independent and strong professional advice to assessment processes that respond very productively to key issues for Council – e.g. urban design and architectural design in Nelson Bay.

LEGAL AND POLICY IMPLICATIONS

The process for Independent hearings and advice involved with IHAP's can potentially lead to higher resolution of disputes in the assessment and negotiation processes for major development applications and therefore potential reduced likelihood of court appeals.

In ensuring an independent and ethical approach to any IHAP or Design Review Panel, no conflict of interest of participating members will have to be validated.

Also in terms of ensuring the highest potential performance by this Council on development assessment in responding to the new Planning Reform legislation and reducing the potential for Council to be replaced by a Joint Regional Planning Panel, and IHAP and/or Design Review Panel may be a very positive initiative. The potential of undertaking this on a sub-regional basis, i.e. Lower Hunter, will also be evaluated.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a culture of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

Council has demonstrated some significant improvements in the delivery of development assessment over the last two or three years. The transition of implementation of the new State legislation on Planning Reform presents new challenges. The integration of social, economic, cultural and environmental factors in evaluating development applications will be given higher profile and the initiation of a Design Review Panel particularly can make a significant contribution to this.

CONSULTATION

Consultation has occurred with: the representative organisations nominated above, the Directors of Planning/equivalents in Lower Hunter councils, relevant representatives of the Department of Planning and other planners in Local government.

OPTIONS

Council can:

- 1) Adopt the recommendation;
- 2) Decide that an evaluation of potentially establishing an Independent Hearing and Assessment Panel also proceed;
- 3) Decide now that the initiation of a Design Review Panel is not appropriate and agree that the evaluation thereof will not therefore proceed, or
- 4) Defer this matter totally with no interim action for renewed consideration by the newly elected Council in October/November 2008.

ATTACHMENTS

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 7

FILE NO: PSC2008-4244

ENVIRONMENTAL NOISE POLICY

REPORT OF: BRUCE PETERSEN – MANAGER ENVIRONMENTAL SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the public exhibition of the Draft Policy (Attachment 1). for 28 days.
-

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

That the recommendation be adopted with the following amendments to the policy;

“This Policy does not specifically relate to noise matters dealt with as part of a proposed Development. It does however advocate for appropriate thought and planning to go into new developments so that future noise issues arising from those developments may be minimised”. (Additional Paragraph) – ***For example, when a licensed premises lodges a Development Application for extended trading hours or to provide public entertainment, Council would need to consider the proposal in its merits and noise impacts would be a major consideration in the assessment of the application.***

Pubs, Clubs and Hotels – “Council will conduct a basic noise assessment taking into account statutory requirements and conditions of development consent” – (Additional to above sentence) – ***including the hours of operation and allowable noise levels (if applicable).***

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

222	Councillor Nell Councillor Jordan	That the recommendation be adopted with the following amendments to the policy; “This Policy does not specifically relate to noise matters dealt with as part of a proposed Development. It does however advocate for appropriate thought and planning to go into new developments so that future noise issues arising from those developments may be minimised”. (Additional Paragraph) – <i>For example, when a licensed premises lodges a Development Application for extended trading hours or to provide public entertainment, Council would need to consider the proposal in its merits and noise impacts would be a major consideration in the assessment of the</i>
-----	--------------------------------------	---

		<p>application. Pubs, Clubs and Hotels – “Council will conduct a basic noise assessment taking into account statutory requirements and conditions of development consent” – (Additional to above sentence) –<i>including the hours of operation and allowable noise levels (if applicable).</i></p> <p>Also include an additional principle in the policy to include the POPE (Place of Public Entertainment) Policy process to enable additional noise control.</p>
--	--	--

BACKGROUND

The purpose of this report is to recommend Council’s endorsement of a Draft Noise Policy for public exhibition.

Purpose of the Draft Policy

The purpose of the Draft Policy is to assist Council to deal fairly, consistently and effectively with noise complaints and noise offences. The Draft Policy relates to noise from private and public property and includes the residential, industrial and commercial sectors. It also includes noise from a number of sources such as air conditioners, vehicles, refrigeration units, power tools and equipment, musical instruments, burglar alarms, dogs and other animals.

The Draft Policy provides a guide to the most appropriate way to deal with noise issues and helps to determine which agency(s) should be involved in helping to address unacceptable noise. The Draft Policy will help to improve and reinforce the existing processes used by Council to deal with noise issues.

The Department of Environment and Climate Change’s Noise Guidelines were used as the basis for the development of the Draft Policy. Assistance was also sought from a number of NSW Councils that have developed and implemented similar policies/ guidelines, including Camden, Parramatta and Wingecarribee Councils.

The Draft Policy does not specifically relate to technical noise matters dealt with as part of a Development Application. These issues are dealt with separately as part of the Development Application process. The Draft Policy does, however, advocate that appropriate thought and planning go into new developments so that future noise issues arising from those developments may be minimised.

There are many noise complaints which are either outside Council’s jurisdiction or are best dealt with by the parties involved in a non adversarial manner rather than resorting to regulatory action.

There are also a number of other agencies that deal with noise issues including the Police, the Department of Liquor, Gaming and Racing (for licensed premises), the Community Justice Centre and the Department of Environment & Climate Change (for scheduled premises). The Courts may also issue orders on behalf of affected residents in some circumstances.

A spirit of cooperation will be encouraged between all parties and, where it is considered that Council cannot effectively resolve noise issues (due to legislative or other constraints), complainants will be referred to the relevant agency or to the Community Justice Centre for mediation.

When regulatory tools do not assist in resolving some noise matters to the complainant's satisfaction (especially when it involves complex noise impacts on a small number of residents), a person may seek a Noise Abatement Order from the local Court for offensive noise under Section 268 of the Protection of the Environment Act 1997. The Court may issue an Order to prevent or abate the offensive noise. The burden of proof involved in this action by a resident is much less than that on a Council or other Regulatory Agency. The Court only needs to be convinced (on the balance of probabilities) that the offensive noise exists. This service is free.

Draft Policy Objectives

Priority will be given to providing information to the community about noise management issues and the roles that the various agencies have in dealing with these matters. Council will encourage the community to try to deal with and resolve noise issues as they arise before they escalate into significant issues.

The objectives outlined in the Draft Policy are:

- To initiate a process of education and awareness in the community in relation to noise management and minimisation.
- To identify noise issues before they escalate so they can be dealt with appropriately and effectively
- To establish clear guidelines for the exercise of discretion when dealing with a noise matter.
- To define Council's role in dealing with noise issues.
- To help clarify which agencies are responsible for dealing with specific noise complaints.
- To identify the various options for dealing with noise matters including negotiation, education, alternative dispute resolution and regulatory action.

IMPLEMENTATION OF THE DRAFT POLICY

The Draft Policy when adopted will apply to all staff that deal with noise matters and noise related complaints. Noise complaints will be assessed under the new Environmental Noise Policy and by reference to Council's Compliance Policy.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

Council Plan Goals- G6, G10, G13, G 15 and G17.

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

The Draft Policy will be implemented utilising existing Council resources.

LEGAL AND POLICY IMPLICATIONS

Council has authority to take regulatory action under a number of NSW Acts and Regulations including but not restricted to:

- The Local Government Act, 1993 (NSW)
- Protection of the Environment Operations Act, 1998 (NSW)
- Protection of the Environment Operations (Noise Control) Regulation 2000
- Environmental Planning and Assessment Act, 1979 (NSW)
- Companion Animals Act 1998

The implementation of the Draft Policy will provide a framework in which to ensure a consistent approach to noise issues by Council in its role as a regulatory Authority.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP –** *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*

- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people’s capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

Without a clear Policy, it is difficult to maintain a clear and consistent approach to the way Council deals with noise complaints. In other words, Council’s future response to noise issues will not be sustainable if a robust and clearly articulated Policy is not adopted.

SOCIAL IMPLICATIONS

There are many positive social implications associated with a noise policy including those of equity, fairness and efficiency in the way Council deals with noise matters. Noise issues that are left unresolved can have a very negative impact on individuals and the broader community.

An appropriate Environmental Noise Policy will not only help Council to ensure consistency in its approach to noise complaints but will give the community confidence in its role as a regulator.

ECONOMIC IMPLICATIONS

The Draft Policy, when adopted, will not only help Council to conduct its regulatory role (in relation to noise) in an efficient manner but it will help to minimise staff and legal costs by focussing on education, awareness and negotiation.

ENVIRONMENTAL IMPLICATIONS

The implementation of the Draft Policy should lead to better environmental outcomes due to the Draft Policy’s emphasis on helping the community to resolve issues before they escalate into significant environmental noise matters through education and negotiation.

CONSULTATION

The following individuals, groups and organisations have been consulted with:

- Hunter Councils Inc,
- Council’s regulatory and support staff,
- Council’s Legal Officer
- A number of NSW Councils.

OPTIONS

- 1) Endorse the Draft Policy for public exhibition for 28 days;
- 2) Endorse the Draft Policy with amendments for public exhibition for 28 days;
- 3) Defer endorsement of this Draft Policy to enable the newly elected Council to deal with the matter in October or November 2008.

ATTACHMENTS

- 1) Draft Environmental Noise Policy

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil



ATTACHMENT 1

DRAFT POLICY

Adopted :# }
Minute No. # }
Amended: # }
Minute No. # }

FILE NO: PSC 2008-4244

TITLE: Environmental Noise Policy

BACKGROUND

Purpose

The purpose of this Policy is to assist Council to deal fairly, consistently and effectively to noise complaints and noise offences. The Policy relates to noise from private and public property and includes the residential, industrial and commercial sectors. It also includes noise from a number of sources such as air conditioners, vehicles, refrigeration units, power tools and equipment, musical instruments and burglar alarms.

This Policy provides a guide to the most appropriate way to deal with noise issues and helps to determine which agency(s) should be involved in helping to address unacceptable noise.

This Policy does not specifically relate to noise matters dealt with as part of a proposed Development. It does however advocate for appropriate thought and planning to go into new developments so that future noise issues arising from those developments may be minimised.

Dealing with Noise Issues

There are many noise complaints which are either outside Council's jurisdiction or are best dealt with by the parties involved in a non adversarial manner rather than resorting to regulatory action.

There are a number of agencies that deal with noise issues including Council, the Police, the Liquor Licensing Board (for licensed premises), the Community Justice Centre (for helping to mediate noise matters) and the Department of Environment & Climate Change (for scheduled premises). The Courts may also issue orders on behalf of affected residents in some circumstances.

Action by Affected Parties

When regulatory tools do not assist Council in resolving some noise matters to the complainant's satisfaction (especially when it involves complex noise impacts on a small number of residents), a person may seek a Noise Abatement Order from the local court for offensive noise under Section 268 of the Protection of the Environment Act 1997. The court may issue an order to prevent or abate the offensive noise. The burden of proof involved in this action by a resident is much less than that on a Council or other Regulatory Agency. The Court only needs to be convinced (on the balance of probabilities) that the offensive noise exists. This service is free.

OBJECTIVES

- To initiate a process of education and awareness in the community in relation to noise management and minimisation.
- To identify noise issues before they escalate so they can be dealt with appropriately and effectively
- To establish clear guidelines for the exercise of discretion when dealing with a noise matter.
- To define Council's role in dealing with noise issues.
- To help clarify which agencies are responsible for dealing with specific noise complaints.
- To identify the various options for dealing with noise matters including negotiation, education, alternative dispute resolution and regulatory action.

PRINCIPLES

The Policy applies to:

- The initiation of a process of education and awareness within the community about the impact of noise of others and the reasons for noise controls and minimisation strategies.
- The investigation of noise issues and complaints within the community and the way Council and other agencies deal with these matters.
- Noise issues which Council has some responsibility and regulatory control over.

POLICY STATEMENT

Education Awareness and Cooperation

Priority will be given to providing information to the community about noise management issues and the roles that the various agencies have in dealing with these matters.

Council will encourage the community to try to deal with and resolve noise issues as they arise before they escalate into significant issues.

Council will encourage a spirit of cooperation between all parties and where it is considered that Council cannot effectively resolve noise issues using available legislative tools, will refer such noise matters to the Community Justice Centre or similar organisations for mediation.

Response

Council is required to respond to noise complaints in a timely manner and in accordance with its Compliance Policy.

Council's response could include referral of the complaint to another agency if the matter is not within Council's area of responsibility.

Where the matter is primarily a neighbourhood matter between two neighbours, Council will recommend in the first instance that the neighbours make an attempt to resolve the issues by negotiation and mediation if necessary. Where the issue is a clear breach of any noise related legislation, Council will act as appropriate.

Council will endeavour to encourage all parties to try and solve noise issues amicably.

Based on the circumstances of the noise issue, Council will respond in a way that reflects public interest, resource implications and the magnitude of the matter.

Not all noise matters will require a regulatory approach by Council.

Approach

Council will ensure confidentiality and respect privacy when dealing with noise issues.

Council will ensure procedural fairness in noise matters.

Council will act in a manner that is impartial and objective when dealing with noise complaints and noise related matters.

Feedback and Record Keeping

Council will provide prompt feedback to complainants regarding investigations into noise complaints and the reasons for decisions relating to these.

Council will keep accurate records of noise complaints.

RELATED POLICIES

Compliance Policy

Prosecution Policy

DECC Noise Guidelines and Policies as amended from time to time.

Dog Noise Strategy

RESPONSIBILITY

All Council staff (and Councillors) that deal with written noise complaints or verbal requests or noise related regulatory issues are responsible for following this Policy.

INVESTIGATING AND RESPONDING TO NOISE COMPLAINTS

The table in Appendix One and Council's Compliance Policy is to be followed when deciding how and who will investigate and respond to a noise complaint.

See also information provided by the Department of Environment & Climate Change (DECC) on their website: www.environment.nsw.gov.au

REVIEW DATE

24 Months from the date it is adopted

RELEVANT LEGISLATIVE PROVISIONS

- The Local Government Act, 1993 (NSW)
- Protection of the Environment Operations Act, 1998 (NSW)
- Protection of the Environment Operations (Noise Control) Regulation 2000
- Environmental Planning and Assessment Act, 1979 (NSW)
- Companion Animals Act 1998

IMPLEMENTATION RESPONSIBILITY

Environmental Services Section is responsible for the implementation and review of this Policy.

DEFINITIONS

Agreement

An agreement is any agreement made between the parties embodying a submission of present or future disputes to mediation and conciliation.

Alternative Dispute Resolution – ADR

The term “alternative dispute resolution” or “ADR” is often used to describe a wide variety of dispute resolution mechanisms that are short of, or alternative to, full-scale court processes. ADR systems may be generally categorised as negotiation, conciliation/mediation, or arbitration systems.

ANEF

Australian Noise Exposure Forecast (which relates to the assessment of Aircraft and Airport Noise)

Arbitration

Arbitration is a formal dispute resolution process governed by the Commercial Arbitration Act 1984 NSW (or the equivalent in other states) in which two or more parties refer their dispute to an independent third person (the arbitrator) for determination. Providing that the arbitration is conducted according to the principles of natural justice its procedures may be varied by the parties to suit the size and complexity of their dispute.

Background Noise

The underlying level of noise present in the ambient noise, excluding the noise source under investigation, when extraneous noise is removed.

Conciliation

A process in which parties to a dispute with the assistance of a neutral third party (“the Conciliator”) identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role in regard to the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted, and may make suggestions or give advice on terms of settlement.

dB(A)

Unit used to measure ‘A weighted’ sound pressure levels. A -weighting is an adjustment made to sound level measurement to approximate the response of the human ear.

DECC

NSW Department of Environment and Climate Change

Development Application (DA)

A development application is a formal request for permission to carry out development, and includes plans and drawings, a statement of environmental effects and a completed application form.

Facilitation

The term facilitation is broadly used to describe any activity which makes tasks for others easy. For example:

Facilitation is used in business and organisational settings to ensure the designing and running of successful meetings. A person who takes on such a role is called a facilitator.

Mediation

A process in which parties to a dispute with the assistance of a neutral third party (“the Mediator”) identify disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or other determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

Negotiation

At its most basic, negotiation is an informal bargaining process. It takes place directly between the people in dispute, but can be assisted by others e.g. lawyers and advocates. The people involved in the dispute communicate directly to try to reach an agreement. Communication may be written or spoken and may take some time. Effective negotiators know that it is hard to reach an agreement unless everyone feels they get some benefit

Scheduled Premises

Premises licensed by DECC under the Protection of the Environment Operations Act, 1998

Appendix One

INVESTIGATING AND RESPONDING TO NOISE COMPLAINTS				
Noise Source	Responsible Agency	Options	Regulatory Response If Required	Operational Procedures of Council
Power tools, equipment and musical instruments or electrical equipment on a domestic premises	Council or Police	<p>All parties solving the noise problem amicably</p> <p>Mediation through the Community Justice Centre</p> <p>A Noise Abatement Order (under Section 268 of the POEO Act) sought by the person affected by the noise</p> <p>Regulatory action by Council</p>	Council may issue notices to prevent or minimise noise	<p>Investigate to determine compliance with Section 50 POEO (Noise Control) Regulations in regard to hours of use of power tools and equipment.</p> <p>Notify user of correct times of use.</p> <p>Issue noise abatement directions under Section 276 of POEO if “offensive noise” is determined for an immediate resolution or if warning letter not complied with.</p> <p>If noise exceeds a statutory level or articles are used outside of prescribed time, serve Noise Control Notice to prescribe permitted noise level, its location and times of use of article.</p> <p>If statutory requirements are being met but affected parties are still aggrieved, information will be provided regarding individuals ability to commence proceedings under Section 268 POEO Act.</p>

ORDINARY MEETING – 26 AUGUST 2008

Air Conditioners	Council	<p>Both parties solving the noise problem amicably</p> <p>Mediation through the Community Justice Centre</p> <p>A Noise Abatement Order (under Section 268 of the POEO Act) sought by the person affected by the noise</p> <p>Regulatory action by Council</p>	Council may issue Notices or Orders	<p>Investigate to determine compliance with Section 50 POEO (Noise Control) Regulations re times of use.</p> <p>Where times of use are complied with but “offensive noise” alleged, conduct basic noise assessment to determine noise impact within affected premises.</p> <p>Noise criteria for intrusive noise are 5dB(A) above background noise level however, may be corrected by 5dB(A) i.e.; not exceeds background, if determined to be tonal.</p> <p>Where air conditioner appears to be generating excessive noise, operator may be directed to seek advice of an acoustic consultant to report an impact and noise mitigation.</p> <p>Council may service Noise Control Notice under Section 264 POEO Act to prescribe noise limits, hours of operation.</p> <p>Where statutory controls do not assist complainants will be provided with information regarding Noise Abatement Orders under Section 268 POEO Act.</p>
Vehicles (except when	Council (off road noise	Negotiating a reasonable	Council may issue Notices or	Council will investigate matter to determine

ORDINARY MEETING – 26 AUGUST 2008

<p>leaving or entering residential premises)</p>	<p>from vehicles including trail bikes etc)</p> <p>Police (on road or off road noise)</p> <p>DECC</p> <p>RTA (for heavy vehicles)</p>	<p>outcome</p> <p>Mediation through the Community Justice Centre</p> <p>Regulatory action</p> <p>Most vehicle noise issues are dealt with by the Police, RTA or DECC as the majority are associated with noisy vehicles on the road</p>	<p>Orders</p> <p>Defect notices can be issued by the Police, RTA or DECC depending on the noise issue and the circumstances</p>	<p>“offensive noise”.</p> <p>Council will liaise with operator and complainant to determine expectations and negotiate reasonable outcomes.</p> <p>After investigation, the investigating officer may use discretion in serving a Noise Abatement Direction (Section 276) to address offensive noise by limiting usage of vehicle, prescribing times or locations of usage.</p> <p>Where complainants are further aggrieved by Council's decision they will be provided with information regarding Noise Abatement Orders under Section 268 POEO Act.</p> <p>Authorised Council officers may issue infringement notices under Section 16 POEO (Noise Control) Regulation to Owners of vehicles where that officer personally experiences offensive noise from a car stereo when the car is being driven or is parked in a public place.</p>
<p>Aircraft (RAAF)</p> <p>Aircraft (Civil)</p>	<p>Department of Defence</p> <p>Civil Aviation Authority</p>	<p>Council to refer all Aircraft noise related complaints to these departments</p>		
<p>Motor Sports</p>	<p>Council</p>	<p>Negotiating a reasonable outcome</p> <p>Mediation through the Community Justice Centre</p>	<p>Council may issue Notices or Orders</p>	<p>Council will conduct a basic investigation to determine the substance of complaint.</p> <p>Investigating officers will consider the merits of</p>

ORDINARY MEETING – 26 AUGUST 2008

		Regulatory action		<p>the complaint, along with the requirements of any development consent condition or Council policy relating to the event.</p> <p>Council may require operators to provide a report from an Acoustic Consultant which provides details of noise levels and compliance with Statutory requirements. Council may require such a report through the service of a Prevention Notice under Section 96 of the POEO Act.</p> <p>Council may serve a Prevention Notice (Section 96) to set operational conditions for motor sport facilities.</p>
Noise from Alarms	<p>Police</p> <p>Council may assist the Police to enter a premises</p> <p>Maritime NSW (faulty alarms on boats and vessels etc)</p> <p>DECC (faulty car alarms)</p>	<p>Negotiating a reasonable outcome</p> <p>Regulatory action</p>	<p>Police and Council may enter the premises (with a warrant) to stop a faulty alarm</p> <p>DECC may issue a defect notice on faulty vehicle alarms</p> <p>Infringement notices may be issued by the Police, Council, Waterways Authority or DECC under specific circumstances</p>	Council will investigate to ensure compliance with the requirements of POEO Act Regulations.
Scheduled Premises including Large Industrial Complexes	DECC	Council to refer all noise complaints to DECC where it involves a Scheduled Premises.		

ORDINARY MEETING – 26 AUGUST 2008

<p>Small Factories and workshops</p>	<p>Council</p>	<p>All parties solving the noise problem amicably</p> <p>A Noise Abatement Order (under Section 268 of the POEO Act) sought by the person affected by the noise</p> <p>Regulatory action by Council</p>	<p>Council may issue Notices or Orders</p>	<p>Council will conduct a basic noise assessment taking into account statutory requirements and conditions of development consent if applicable.</p> <p>Council may require proprietors to prove compliance by engaging an acoustic consultant.</p> <p>Council may issue a Noise Control Notice Section 264 POEO Act to control noise levels from equipment or activities or their times of use.</p> <p>Where regulatory tools do not assist and complainants are further aggrieved, Council will provide information regarding Noise Abatement Orders (Section 268 POEO Act).</p>
<p>Vessels, boats, jet skis and ships</p>	<p>Maritime NSW</p>	<p>Council to refer these issues to Maritime NSW</p>		
<p>Building Construction</p>	<p>Council (or Private Certifier)</p>	<p>All parties solving the noise problem amicably</p> <p>A Noise Abatement Order (under Section 268 of the POEO Act) sought by the person affected by the noise</p> <p>Regulatory action by Council</p>	<p>Council may issue Notices or Orders</p>	<p>Council will investigate matters to assess compliance with conditions of Development Consent as well as times of use of equipment under Section 50 POEO (Noise Control) Regulations.</p> <p>Where building site is controlled by a Private Certifier, the Private Certifier will be contacted to resolve the issue.</p> <p>Where issues relating to hours of operation</p>

ORDINARY MEETING – 26 AUGUST 2008

				<p>continue Council may serve a Noise Control Notice Section 264 (POEO Act).</p> <p>Where noise issue relates to excessive noise from equipment during permissible hours, Council may require the occupant to provide an acoustic consultants report to confirm compliance or recommend mitigation measures.</p>
Concert Facilities	Council	<p>Negotiating a reasonable outcome</p> <p>A Noise Abatement Order (under Section 268 of the POEO Act) sought by the person affected by the noise</p> <p>Regulatory action</p>	Council may issue Notices or Orders	<p>Council will conduct a basic noise assessment taking into account statutory requirements and conditions of development consent if applicable.</p> <p>Council may require proprietors to prove compliance by engaging an acoustic consultant.</p> <p>Council may issue a Noise Control Notice Section 264 POEO Act to control noise levels from equipment or activities or their times of use.</p> <p>Where regulatory tools do not assist and complainants are further aggrieved, Council will provide information regarding Noise Abatement Orders (Section 268 POEO Act).</p>
Pubs, Clubs and Hotels	Department of Liquor, Gaming and Racing (noise from patrons and general noise from	The Department of Liquor, Gaming and Racing may negotiate with these premises to minimise noise from their	Conditions may be imposed by the Department of Liquor Gaming and Racing to control noise.	Council will conduct a basic noise assessment taking into account statutory requirements and conditions of development consent if applicable.

ORDINARY MEETING – 26 AUGUST 2008

	<p>the premises)</p> <p>Council (noise from music or equipment)</p> <p>Police</p>	<p>operations.</p> <p>Mediation through the Community Justice Centre</p> <p>A Noise Abatement Order (under Section 268 of the POEO Act) sought by the person affected by the noise</p>	<p>Council may issue notices to prevent or minimise noise from music or equipment</p>	<p>Council may require proprietors to prove compliance by engaging an acoustic consultant.</p> <p>Council may issue a Noise Control Notice Section 264 POEO Act to control noise levels from equipment or activities or their times of use.</p> <p>Where regulatory tools do not assist and complainants are further aggrieved, Council will provide information regarding Noise Abatement Orders (Section 268 POEO Act).</p> <p>Council will liaise with the Department of Liquor, Gaming and Racing to address issues relating to licensed premises. Council will not address alcohol related noise issues or those related to conduct of patrons.</p>
<p>Dogs and other animals</p>	<p>Council</p>	<p>All parties solving the noise problem amicably</p> <p>Mediation through the Community Justice Centre</p> <p>A Noise Abatement Order (under Section 268 of the POEO Act) sought by the person affected by the noise</p>	<p>Council may issue Orders under some circumstances</p>	<p>Council will encourage parties to communicate and resolve issues.</p> <p>Council will commence investigations relating to dog noise only after the documentation required under the Dog Noise Strategy is submitted by the Complainant.</p> <p>If the investigating officer is satisfied that a dog is causing offensive noise, then a Nuisance Order may be served on its owner under the Companion Animals Act.</p> <p>Council will encourage dog owners to resolve nuisance barking</p>

			<p>through measures such as training and the use of technology such as anti-barking collars.</p> <p>Where a Nuisance Order is not complied with, an infringement notice may be issued.</p> <p>Where offensive noise from other animals (e.g.; rooster, birds) is determined by a Council Officer, a Noise Abatement Direction may be issued under Section 276 POEO Act.</p> <p>Council will encourage the resolution of the matter through strategies such as removal of the animal, reduction in numbers of animals kept, construction of physical barriers (e.g.; solid fencing, aviaries and coops) and training.</p> <p>Where statutory tools do not assist resolution and complainants are still aggrieved, Council will provide information regarding Noise Abatement Orders under Section 268 POEO Act.</p>
--	--	--	--

ITEM NO. 8

FILE NO: A2004-0511

LOCAL TRAFFIC COMMITTEE MEETING – 1ST JULY, 2008

REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

Adopt the recommendations contained in the minutes of the local Traffic Committee meeting held on 1st July, 2008.

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

223	Councillor Hodges Councillor Jordan	It was resolved that the recommendation be adopted.
------------	--	--

MATTER ARISING:

224	Councillor Brown Councillor Jordan	That Council refer parking controls of Hunter Street in Raymond Terrace to the Traffic committee for review.
------------	---	---

BACKGROUND

The purpose of this report is to bring to Council's attention traffic issues raised and detailed in the Traffic Committee minutes and to meet the legislative requirements for the installation of any regulatory traffic control devices associated with Traffic Committee recommendations.

LINKS TO CORPORATE PLANS

The items referred to the local Traffic Committee, and the subsequent recommendations are linked to the current Council Plan 2007 - 2011. In Parts 5 and 7 of the Plan, the Local Traffic Committee contributes to the following directions and goals:

- 1) Provide programs and planning instruments that enhance the safety of individuals and the community whilst preserving social amenity and discouraging social isolation.
- 2) Providing good community planning and the development of quality infrastructure.

FINANCIAL/RESOURCE IMPLICATIONS

Council has an annual budget of \$41 000 (\$25 000 grant from the RTA and General Revenue) to complete the installation of regulatory traffic controls (signs and markings) recommended by the Local Traffic Committee. The construction of traffic control devices and intersection improvements resulting from the Committee's recommendations are not included

in this funding and are listed within Council's "Forward Works Program" for consideration in the annual budget process. The construction of traffic control devices and intersection improvements for items with a **SAFETY PRIORITY** (listed below) have a budget of \$ 25 000 (Safety Around Schools Program).

The local Traffic Committee procedure provides a mechanism to respond to and remedy problems in accordance with Council's "Best Value Services" Policy. The recommendations contained within the local Traffic Committee Minutes can be completed within the current Traffic Committee budget allocations and without additional impact on staff or the way Council's services are delivered.

SAFETY PRIORITIES

The installation of regulatory traffic controls or traffic control devices that are noted as having a Safety Priority shall be attended to before other works undertaken by Council. These works are generally of an urgent nature requiring immediate action.

There were no items with a Safety Priority as part of the business of the meeting of the 1st July, 2008.

ITEMS OF INTEREST

Council may take advantage of the knowledge and experience of the Local Traffic Committee members to help them resolve or clarify an issue. When wishing to utilise the expertise of the Local Traffic Committee members in this manner, these items will be included on the agenda under Items of Interest. Items of Interest will be dealt with following the completion of formal Local Traffic Committee items.

LEGAL AND POLICY IMPLICATIONS

The local Traffic Committee is not a Committee of Council; it is a technical advisory body authorised to recommend regulatory traffic controls to the responsible Road Authority. The Committee's functions are prescribed by the Transport Administration Act with membership extended to the following stakeholder representatives; the Local Member of Parliament, the Department of Transport, NSW Police, Roads & Traffic Authority and Council.

The procedure followed by the local Traffic Committee satisfies the legal requirements required under the Transport Administration (General) Act furthermore there are no policy implications resulting from any of the Committee's recommendations.

AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK

This aligns with the following ABEF Principles;

- 2) Mutually agreed plans translate organisational direction into actions
- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 6) Continual improvement and innovation depend on continual learning
- 8) Effective use of facts, data and knowledge leads to improved decisions
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society

- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

The recommendations from the local Traffic Committee aim to improve traffic management and road safety.

SOCIAL IMPLICATIONS

A safer road environment reduces costs to the Council and community by reducing the number and severity of accidents on our roads.

ECONOMIC IMPLICATIONS

Improved transport efficiency assists in the reduction in green house gases and vehicle operating costs.

ENVIRONMENTAL IMPLICATIONS

Transport efficiency and road user safety; contribute positively to the quality of life for residents and visitors to Port Stephens. Improved road user safety distributes benefits to all road users including commercial and private motorists, cyclists and pedestrians. These benefits include improved accessibility, mobility and safer road environment.

CONSULTATION

The Committee's technical representatives are the Police, RTA, and Council Officers; they investigate issues brought to the attention of the Committee and suggest draft recommendations for further discussion during the scheduled meeting. One week prior to the local Traffic Committee meeting copies of the agenda are forwarded to the Committee members, Councillors, Facilities and Services Group Manager, Integrated Planning Manager and Road Safety Officer. During this period comments are received and taken into consideration during discussions at the Traffic Committee meeting.

The following additional consultation took place as a part of the meeting of 1st July, 2008.

Item C.4 Seaham Road, Seaham Hunter Valley Buses & Ministry of Transport

OPTIONS

- 1) Adopt the Recommendation.
- 2) Adopt specific item recommendations contained in the minutes of the local Traffic Committee and refer non-adopted matters back to the next meeting of the local Traffic Committee with suggested amendments.

ATTACHMENTS

- 1) The minutes of the local Traffic Committee meeting held on 1st July, 2008 are contained in ATTACHMENT 1.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

PORT STEPHENS LOCAL TRAFFIC COMMITTEE

**INDEX OF LISTED MATTERS
FOR THE MEETING HELD ON TUESDAY 1ST JULY, 2008**

- A. ADOPTION OF THE MINUTES FROM PREVIOUS MEETING**
- B. BUSINESS ARISING FROM PREVIOUS MEETING**
- C. LISTED MATTERS**
 - C.1. KING STREET, RAYMOND TERRACE - PARKING**
 - C.2. STURGEON STREET, RAYMOND TERRACE – REQUEST FOR DISABILITY PARKING SPACE**
 - C.3. CARMICHAEL STREET, RAYMOND TERRACE – REQUEST FOR NO STOPPING**
 - C.4. SEAHAM ROAD, SEAHAM – BUS STOP LOCATION AT THE INTERSECTION OF ESKDALE PARK DRIVE**
 - C.5. KIRRANG DRIVE, MEDOWIE – SPORTS GROUND ENTRANCE AT INTERSECTION OF FERODALE ROAD**
 - C.6. OYSTER COVE ROAD, OYSTER COVE – TRAFFIC CALMING**
 - C.7. SOLDIERS POINT ROAD, SALAMANDER BAY – SAFETY OF PEDESTRIAN CROSSING**
 - C.8. FORESHORE DRIVE, SALAMANDER BAY – REQUEST FOR SPEED HUMP AT WESTERN END**
- D. ITEMS OF INTEREST**
 - D.1. LEMON TREE PASSAGE ROAD, SALT ASH – REVIEW OF SPEED LIMIT**
 - D.2. SHOAL BAY ROAD, SHOAL BAY – REQUEST FOR TEMPORARY ROAD CLOSURE**
- E. GENERAL BUSINESS**

**LOCAL TRAFFIC COMMITTEE
MEETING HELD ON TUESDAY 1ST JULY, 2008
AT 9:30AM**

Present: PSC Infrastructure Planning Co-ordinator (Chair), PSC Project Officer, Traffic & Road Safety, PSC Road Safety Officer, NSW Police Representative, RTA Representative, Hunter Valley Buses Representative, Port Stephens Coaches Representative (arrived at 9.55 am during Item C.5), Craig Baumann MP

Apologies: Nil

A. ADOPTION OF MINUTES OF MEETING 3RD JUNE, 2008

The minutes of the meeting on 3rd June, 2008 were adopted.

B. BUSINESS ARISING FROM PREVIOUS MEETING

There was no business arising from the previous meeting.

C. LISTED MATTERS

C.1. KING STREET, RAYMOND TERRACE - PARKING

A number of requests have been received from businesses and residents in King Street, to implement timed parking. The Defence building in King Street is now occupied and businesses have noticed that customers can no longer park in King Street due to workers parking in King Street all day as there are no restrictions on parking.

REQUESTED BY:	Various businesses & residents	
CONSULTATION:	Nil	
INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	Yes
VOTING OUTCOME	UNANIMOUS	
ADDITIONAL	ATTACHMENT	No

COMMENT Commencement of the Defence building on the corner of King Street and William Street has produced parking problems in King Street and William Street as Defence employees are utilising all of the untimed parking rather than occupying the defence allocated parking site in Bourke Street. The King Street businesses and residents are being disadvantaged due to the lack of on-street parking available to customers and deliveries.

CRM *

RECOMMENDATION

- 1 hour Timed Parking be provided on both sides of Bourke Street from Port Stephens Street to King Street 8.30 am to 6 pm Mon – Fri and 8.30 am to 12.30 pm Sat.
- 2 hour timed parking be provided on both sides of King Street from Bourke Street to Barnier Lane 8.30 am to 6 pm Mon – Fri and 8.30 am to 12.30 pm Sat.
- 1 hour timed parking be provided on both sides of King Street from Barnier Lane to William Street 8.30 am to 6 pm Mon – Fri and 8.30 am to 12.30 pm Sat.
- No Stopping be installed from the kerb return in King Street around to the angle parking in William Street.
- 1 hour timed parking be installed on the (4) angle parks in front of the Defence building in William Street 8.30 am to 6 pm Mon – Fri and 8.30 am to 12.30 pm Sat.
- No Stopping sign be installed from the angle parks on William Street to complete the No Stopping around the corner into Hunter Street.
- Permit Parking (or other system) be investigated for the dwellings in King Street which have no provision for off-street parking (approx 5 dwellings)

NOTE – un-timed parking is still provided in Bourke street on the eastern side of Port Stephens Street being the 45 degree on road parking.

ESTIMATED COST	\$ 1600
FUNDING SOURCE	Traffic Facilities Budget

C.2. STURGEON STREET, RAYMOND TERRACE – REQUEST FOR DISABILITY PARKING SPACE

Port Stephens Community Care have requested a disability parking space in front of their offices at 15/25 Sturgeon Street. Many clients and carers are elderly and have disability permits and there is no disability space nearby.

REQUESTED BY: Port Stephens Community Care

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
	AGREE WITH REQUEST	No
VOTING OUTCOME	UNANIMOUS	
ADDITIONAL	ATTACHMENT	No

COMMENT There is one disabled space located in the first available position inside the attached carparking area of the site. This site already has a disabled ramp constructed to mount the kerb and access to the footway.

The request to change on-road spaces to disabled would also require the provision of pram ramps

CRM

*

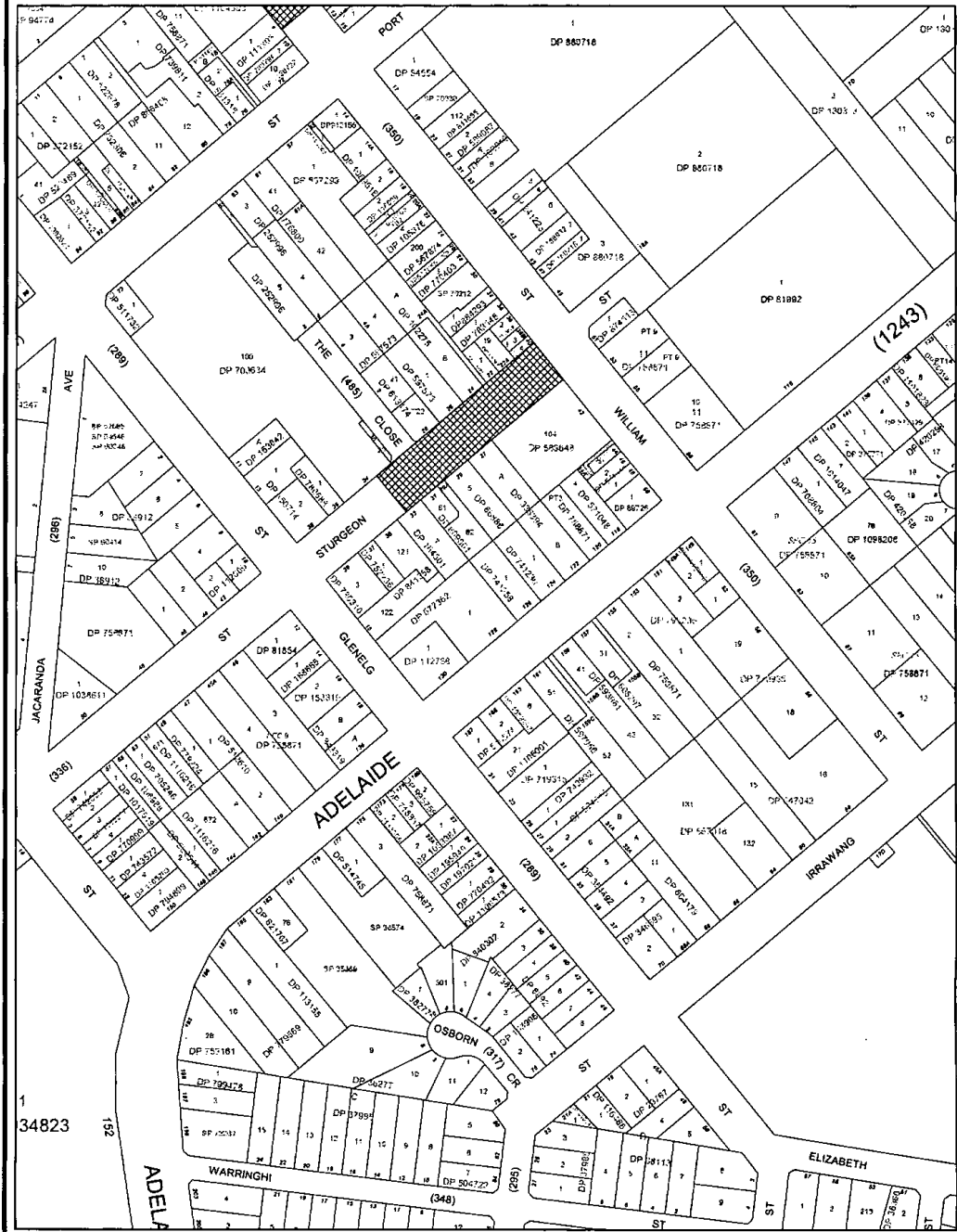
RECOMMENDATION

- The owner (PSC) of the commercial site be approached to convert one disabled and one standard space into two disabled spaces.
- The owner (PSC) of the commercial site be approached to line mark the existing asphalt pram ramp for better delineation.

ESTIMATED COST N/A

FUNDING SOURCE PSC Property Section

Item C.2 Sturgeon Street, Raymond Terrace



Port Stephens
COUNCIL
... a community partnership

DISCLAIMER
Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

Department Of Lands Plateau Images Pty Ltd
 Port Stephens Council Sinclair Knight Merz

This map is not to be reproduced without prior consent.

SCALE 1:3499 PRINTED ON: 21.07.08

118 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 4980255 Fax: (02) 4987912 Email: council@portstephens.nsw.gov.au

C.3. CARMICHAEL STREET, RAYMOND TERRACE – REQUEST FOR NO STOPPING

Councils Maintenance Service Officer has requested Traffic Committee investigate installation of 3 No Stopping signs in the Cul de sac of Carmichael Street to prevent vehicles parking there as they prevent trucks using the turning circle.

REQUESTED BY: PSC – Maintenance Service Officer

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
VOTING OUTCOME	AGREE WITH REQUEST	Yes
ADDITIONAL	UNANIMOUS	
	ATTACHMENT	No

COMMENT Large vehicles are creating damage to the verge as they are forced to mount the kerb in order to manoeuvre out of the dead end street.

CRM *

RECOMMENDATION

- Three No Stopping signs be erected in the head of the cul-de-sac encompassing the cul-de-sac head and the kerb returns.

ESTIMATED COST \$300
FUNDING SOURCE Traffic Facilities Budget

C.4. SEAHAM ROAD, SEAHAM – BUS STOP LOCATION AT THE INTERSECTION OF ESKDALE PARK DRIVE

Residents of Eskdale Park Drive have raised the issue of the dangerous bus stop on Seaham Road at the intersection of Eskdale Park Drive.

The buses drop children off where there is no verge in a 90 km/hr zone. The resident has requested Council build a suitable bus stop or that the buses turn into Eskdale Park Drive.

REQUESTED BY: Residents

CONSULTATION: Hunter Valley Buses and Ministry of Transport.

INSPECTION **UNDERTAKEN** Yes
AGREE WITH REQUEST Yes

VOTING OUTCOME **UNANIMOUS**

ADDITIONAL **ATTACHMENT** No

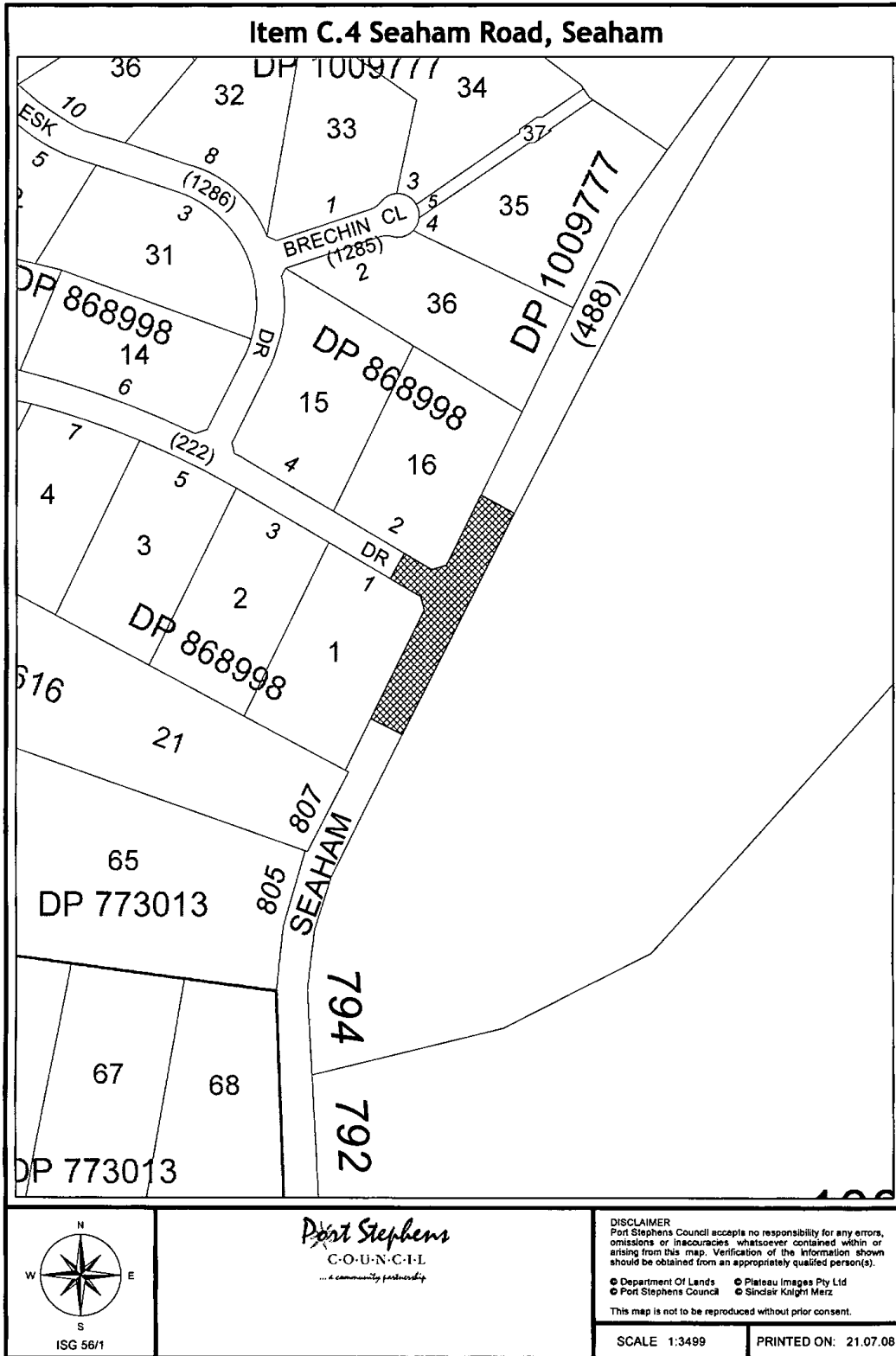
COMMENT The local resident(s) have constructed a platform to provide safer standing room off the road. Whilst the construction provides safer standing room, it creates a vertical obstacle which becomes a safety hazard.

CRM *

RECOMMENDATION

- Install School Bus Route warning signage along Seaham Road.
- Facilities & Services section of council explore the option of providing a soil mound to provide adequate standing room clear of the road pavement and report back to the Committee

ESTIMATED COST \$400
FUNDING SOURCE Traffic Facilities Budget



C.5. KIRRANG DRIVE, MEDOWIE – SPORTS GROUND ENTRANCE AT INTERSECTION OF FERODALE ROAD

The operators (PSC) of the Medowie Sports Centre have requested Traffic Committee investigate the safety of the entrance to Ferodale Sports Complex.

REQUESTED BY: Medowie Sports Council

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

VOTING OUTCOME UNANIMOUS

ADDITIONAL ATTACHMENT No

COMMENT

Vehicles travelling east bound along Ferodale Road have insufficient sight distance to see vehicles exiting the sports grounds. The fencing and shrubs are located within the sight triangles.

Suggestions such as removing shrubs from private property, acquiring splay corner or moving the sports ground entry could be investigated further.

CRM

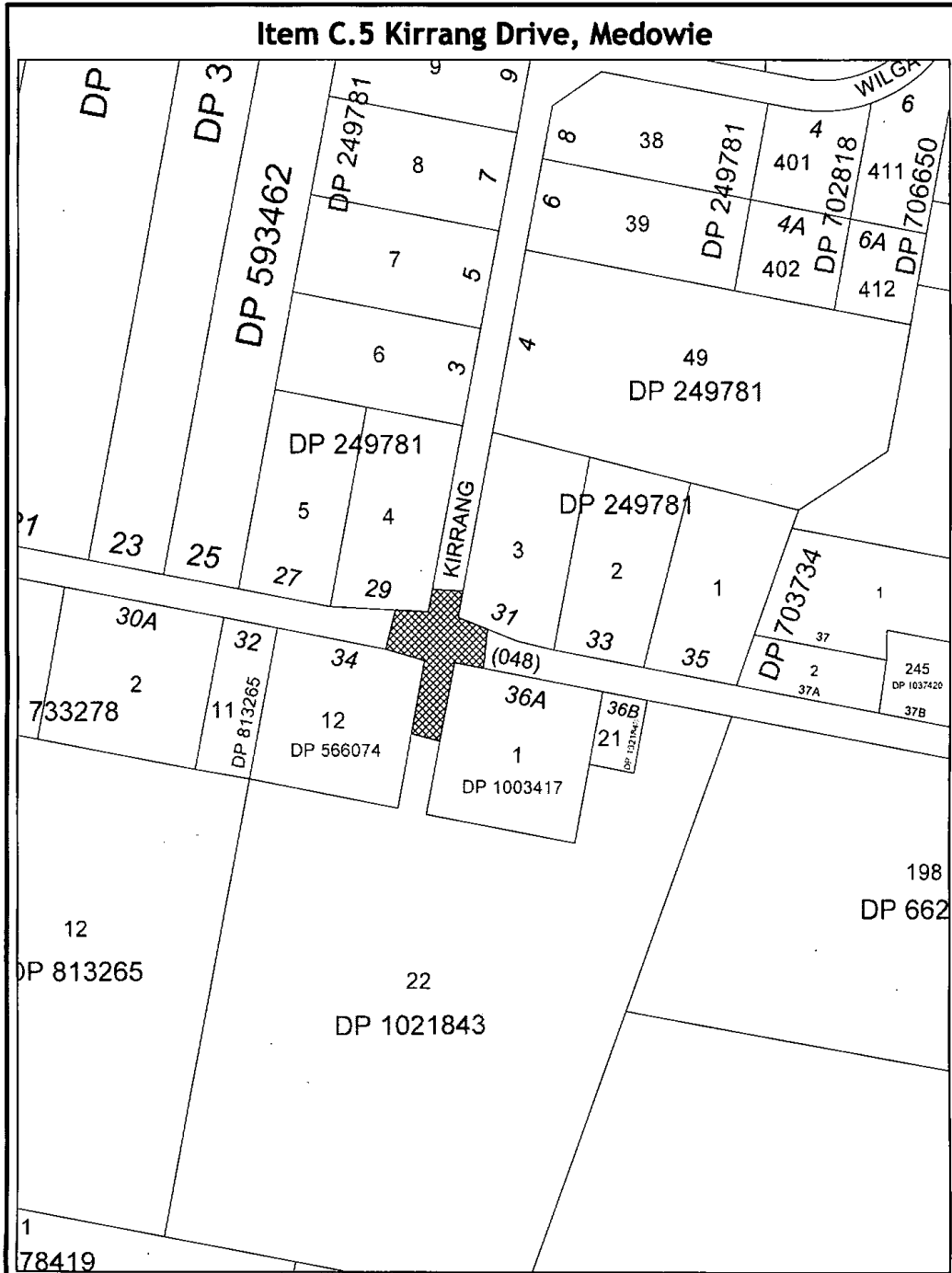
*

RECOMMENDATION

- Council (land owner) contact neighbouring Land Owner to trim/remove vegetation to open up sight distances
- Council investigate location of fence line and move fence back if found to be in Road Reserve.

ESTIMATED COST N/A

FUNDING SOURCE N/A



Port Stephens
C.O.U.N.C.I.L.
... a community partnership

DISCLAIMER
Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

- Department Of Lands ● Plateau Images Pty Ltd
- Port Stephens Council ● Sinclair Knight Merz

This map is not to be reproduced without prior consent.

SCALE 1:3499

PRINTED ON: 21.07.08

116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

C.6. OYSTER COVE ROAD, OYSTER COVE – TRAFFIC CALMING

Cr Dingle on behalf of a resident has requested Traffic Committee investigate concerns about speeding and drag racing on Oyster Cove Road into the 50 km zone.

REQUESTED BY: Cr Dingle

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

AGREE WITH REQUEST Yes

VOTING OUTCOME

UNANIMOUS

ADDITIONAL

ATTACHMENT

No

COMMENT

Whilst on inspection of the site it was observed that painted lines had been set out to assist in unauthorised time trials. There was also evidence of burnouts and other hooligan activity. Reducing the speed limit is considered unlikely to have any effect on reducing the speeding.

CRM

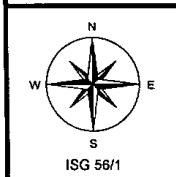
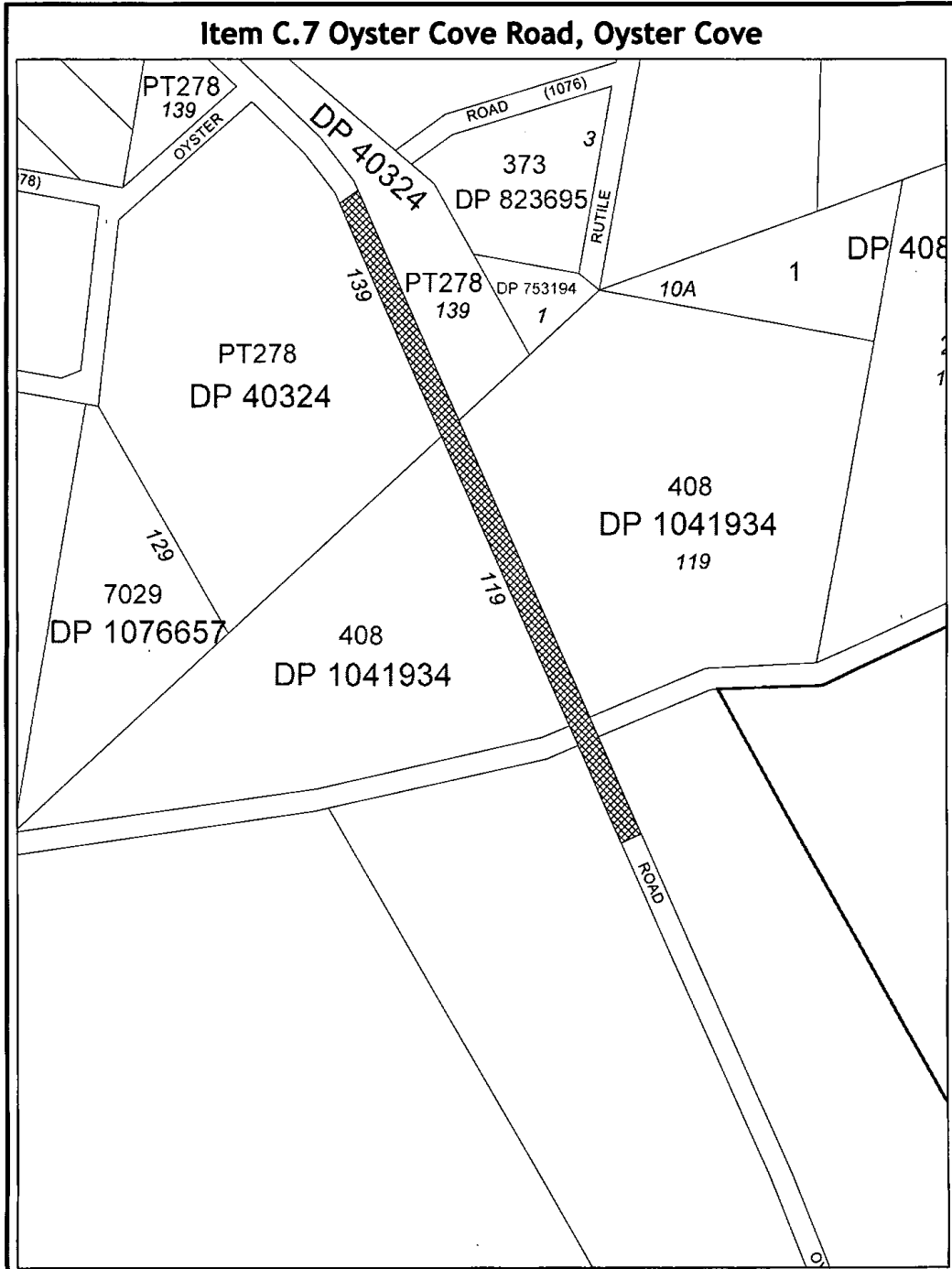
*

RECOMMENDATION

- Council refer the request to reduce the speed limit to the RTA for consideration.
- Council notify the NSW Police for their consideration.
- Erect signage advising of penalties for street racing.
- Remove painted lines

ESTIMATED COST \$400

FUNDING SOURCE Traffic Facilities Budget



Port Stephens
C-O-U-N-C-I-L
... a community partnership

DISCLAIMER
Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

- Department Of Lands • Plateau Images Pty Ltd
- Port Stephens Council • Sinclair Knight Merz

This map is not to be reproduced without prior consent.

SCALE 1:4949

PRINTED ON: 21.07.08

116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49500255 Fax: (02) 49673612 Email: council@portstephens.nsw.gov.au

C.7. SOLDIERS POINT ROAD, SALAMANDER BAY – SAFETY OF PEDESTRIAN CROSSING

Cr Dover has requested Traffic Committee investigate the safety of the pedestrian crossing on Soldiers Point Road at the old Salamander Shopping Centre. Pedestrians are regularly at risk from cars exceeding the 50 km/hr speed limit.

REQUESTED BY: Cr Dover

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
VOTING SUPPORT	AGREE WITH REQUEST	Yes
ADDITIONAL	UNANIMOUS ATTACHMENT	No

COMMENT Nil

CRM *

RECOMMENDATION

- Provide 'Pedestrian Crossing advanced warning sign' on the westbound approach.
- Upgrade pedestrian crossing signs to fluorescent backing.
- Conduct speed & volume counts and report back to the Committee for consideration of if Council should consider getting the traffic section to investigate an LATM (Local Area Traffic Management) study of the area.

ESTIMATED COST \$400
FUNDING SOURCE Traffic Facilities Budget

Item C.7 Soldiers Point Road, Salamander



Port Stephens
C.O.U.N.C.I.L.
... a community partnership

DISCLAIMER
Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

- Department Of Lands ● Plateau Images Pty Ltd
- Port Stephens Council ● Sinclair Knight Merz

This map is not to be reproduced without prior consent.

SCALE 1:3499 PRINTED ON: 21.07.08

116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 4880255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

C.8. FORESHORE DRIVE, SALAMANDER BAY – REQUEST FOR SPEED HUMP AT WESTERN END

Cr Dover on behalf of residents has requested Traffic Committee investigate speeding vehicles on the western end of Foreshore Drive. The residents have requested 2 speed humps similar to those at the eastern end.

REQUESTED BY: Cr Dover

CONSULTATION: Nil

INSPECTION	UNDERTAKEN	Yes
VOTING SUPPORT	AGREE WITH REQUEST	No
ADDITIONAL	UNANIMOUS	
	ATTACHMENT	No

COMMENT On the day of the inspection there was no evidence of vehicles speeding. There are numerous options to reduce speed however the committee did not want to recommend any treatments without evidence of actual vehicle speeds.

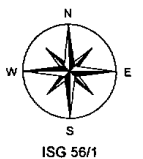
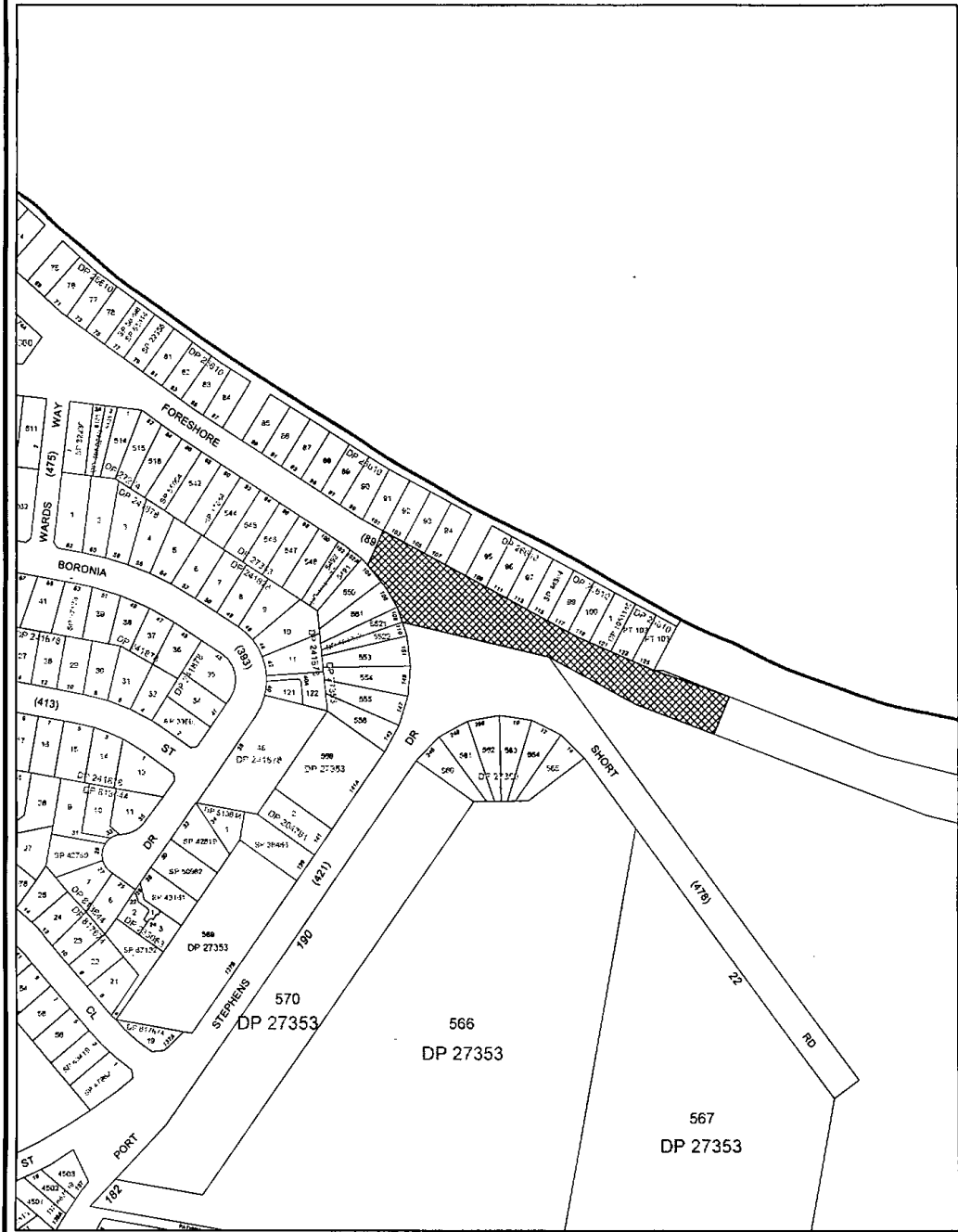
CRM *

RECOMMENDATION

- Speed and volume counts to be conducted and results brought back to the committee.

ESTIMATED COST N/A
FUNDING SOURCE N/A

Item C 6 Foreshore Drive, Salamander Bay



Port Stephens
C.O.U.N.C.I.L.
... a community partnership

DISCLAIMER
Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained from an appropriately qualified person(s).

Department Of Lands Plateau Images Pty Ltd
 Port Stephens Council Sinclair Knight Merz

This map is not to be reproduced without prior consent.

SCALE 1:3499 PRINTED ON: 21.07.08

116 Adelaide Street, Raymond Terrace NSW 2324. Phone: (02) 49800255 Fax: (02) 49873612 Email: council@portstephens.nsw.gov.au

D. ITEMS OF INTEREST

D.1. LEMON TREE PASSAGE ROAD, SALT ASH – REVIEW OF SPEED LIMIT

Residents have requested the review of the speed limit on Lemon Tree Passage Road. Many vehicles exceed the speed limit of 70 km/hr and many accidents occur.

REQUESTED BY:	Residents	
CONSULTATION:	Nil	
INSPECTION	UNDERTAKEN	Yes
VOTING SUPPORT	UNANIMOUS	
ADDITIONAL	ATTACHMENT	No
COMMENT	Nil	
CRM	N/A	

RECOMMENDATION

- Council refer the request to RTA for their consideration.
- Council notify the NSW Police for their consideration.
- Infrastructure Planning Team investigate traffic volumes, crash history and speed and report back to committee if 85th percentile speed exceeds the posted speed limit

D.2. SHOAL BAY ROAD, SHOAL BAY – REQUEST FOR TEMPORARY ROAD CLOSURE

Shoal Bay Resort & Spa have requested the temporary closure of Shoal Bay Road between Government Road and Tomaree Street on 6 & 7 September between the hours of 6 am and 8 pm.

REQUESTED BY: Shoal Bay Resort & Spa

CONSULTATION: Nil

INSPECTION UNDERTAKEN Yes

ADDITIONAL ATTACHMENT No

COMMENT The Infrastructure Planning Team is assessing the application and will condition the application as required. The item is likely to be approved subject to minor modifications and conditions of approval. A DA is lodged for the event and the applicant will need approvals from all parties before the event can occur.

CRM N/A

RECOMMENDATION

- *

ITEM NO. 9

FILE NO: PSC2005-2896

ANNA BAY DRAINAGE UNION ACID SULFATE SOILS PLAN OF MANAGEMENT

REPORT OF: BRUCE PETERSEN - ENVIRONMENTAL SERVICES MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Place the Anna Bay Drainage Union Acid Sulfate Soils Plan of Management on public exhibition for two months.
- 2) Participate in discussions being initiated by the Department of Water and Energy through the Department of Premiers and Cabinet, to review drainage management in the Anna Bay locality.

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

That the recommendation be adopted.

MATTER ARISING:

Moved Cr Dover Seconded Cr Nell

That Echo Beach drains maintenance be reviewed.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

225	Councillor Hodges Councillor Jordan	It was resolved that the recommendation be adopted.
-----	--	---

MATTER ARISING:

226	Councillor Hodges Councillor Jordan	It was resolved that the recommendation be adopted.
-----	--	---

BACKGROUND

The purpose of this report is seek Councils approval of the Anna Bay Drainage Union Acid Sulfate Soils Plan of Management as per 51A of the Port Stephens Local Environment Plan (LEP) 2000:

51A Development on land identified on Acid Sulfate Soils Planning Maps

- (2) *A person must not, without development consent, carry out works of the kind listed in Column 2 of Table 1 on land of the class specified for those works in Column 1 of that Table, except as otherwise provided by this Clause:*

Table 1

<i>Column 1</i>	<i>Column 2</i>
<i>Class of land as shown on Acid Sulfate Soils Planning Maps</i>	<i>Works</i>
<i>1</i>	<i>Any works</i>
<i>2</i>	<i>Works below the natural ground surface Works likely to lower the watertable</i>
<i>3</i>	<i>Works more than 1 metre below the natural ground surface Works likely to lower the watertable to a depth of more than 1 metre below the natural ground surface</i>
<i>4</i>	<i>Works more than 2 metres below the natural ground surface Works likely to lower the watertable to a depth of more than 2 metres below the natural ground surface</i>
<i>5</i>	<i>Works within 500 metres of Class 1, 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on the adjacent Class 1, 2, 3 or 4 land</i>

- (7) *Despite subclause (2), routine maintenance works may be carried out by the Council, a public authority or private drainage board without consent where an Acid Sulfate Soils Plan of Management relating to such works has been:*

- (a) prepared in accordance with the Acid Sulfate Soils Manual, and*
- (b) approved by the Council after considering any comments received from the Department of Infrastructure, Planning and Natural Resources and NSW Fisheries within 21 days of the Council having sent those Departments a copy of the draft Acid Sulfate Soils Plan of Management.*

Acid sulfate soils are those that contain iron sulfides, mainly in the form of pyrite, and were formed in the last major sea level rise, within the past 10 000 years. Acid sulfate soils form when seawater, which is sulfate-rich, mixes with land sediments containing iron oxides and organic matter in a waterlogged situation, in the absence of oxygen. They commonly occur in coastal wetland areas where layers of marine mud and sand were deposited.

When this mixture is exposed to air these soils can generate large amounts of sulfuric acid, and often also release toxic quantities of iron, aluminum and heavy metals. Exposure to air usually occurs either by excavation or by lowering the water table via drainage or drought. When leached from the soil, these products can cause acidification and deoxygenation of the receiving waters. In some cases the acid can result in pH levels similar to battery acid which can have severe effects on the health of marine organisms. Acid sulphate soils are more of a hazard when close to the surface as they are more easily disturbed.

Acid sulfate soils exist through out many areas of Port Stephens and in particular throughout the land surrounding Tilligerry Creek. In the last 100 years this area has been extensively drained and care needs to be taken when maintaining these drains to ensure that works do

not disturb these soils more than necessary and that appropriate actions are undertaken to offset any soil that is disturbed.

The Anna Bay Drainage Union has undertaken the necessary work of maintaining the two main drains in Anna Bay for many years however recent works earlier this year highlighted the need to ensure that all works are undertaken with acid sulfate soils best practise management in mind.

To achieve this, members from the union and Council, with assistance from the Department of Primary Industries – Fisheries, and the Department of Water and Energy - have worked to prepare an Acid Sulfate Soils Plan of Management as per 51A of the Port Stephens Local Environment Plan (LEP) 2000.

The plan describes how maintenance activities undertaken by the union are to be done to ensure that acid releases, and the adverse downstream effects are minimised. In addition to this work Council is working with DPI – Fisheries on several other projects planned for the Anna Bay and Tilligerry areas that will assist with acid sulfate soil management. These are being reported through the Tilligerry Creek Catchment Committee.

The Tilligerry Creek Catchment Committee has discussed drainage management and at the last meeting there was a Resolution passed that Council investigate the ownership of major drains in Port Stephens with a view to forming a single responsible authority.

If that single responsible authority was Council, the responsibility of the Anna Bay drainage system itself would result in considerable financial and legal implications to Council. However, at a meeting held with the Department of Water and Energy and the Anna Bay Drainage Union to review the drainage management in the Anna Bay locality it was agreed that the current arrangement was working but that a closer working arrangement between all the organisations could only help to improve matters. Council staff will continue to participate in discussions to review drainage management in the Anna Bay locality.

Council will also continue to financially contribute to the Anna Bay Drainage Union in order to assist them to maintain drains that take water from urban areas within the catchment. This contribution is currently \$10,000 per annum.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

There will be some minor impacts on staff time to train the Anna Bay Drainage Union on how to operate a pH meter and to monitor the works that are undertaken by the union.

There will also be some staff time spent on discussions with relevant players, facilitated by the Department of Premiers and Cabinet, to review drainage management within the Anna Bay locality.

LEGAL AND POLICY IMPLICATIONS

This plan is in line with clause 51A of the LEP, sub clause 7, where by routine maintenance works may be carried out by a private drainage board without consent where an Acid Sulfate Soils Plan of Management relating to such works has been prepared in accordance with the Acid Sulfate Soils Manual, and approved by Council after considering any comments from relevant state agencies (Department of Primary Industries – Fisheries and Department of Water and Energy).

Council has no legal easements over the drains that are currently being serviced by the Anna Bay Drainage Union. Gaining easements is an expensive action to take and is another reason to support the union to continue its current activities and assist them to carry out their works in a manner suitable to the lands environmental sensitivities.

However there is a need for a longer term strategy for the management of the drains Anna Bay and the wider Tilligerry catchment. To progress this discussions are currently being held with the Department of Premiers and Cabinet to look at how the drainage systems should be managed in the future.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*

- 4) **PEOPLE** – *Develop and value people’s capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The Anna Bay Drainage Union performs an important function within the Anna Bay locality. The maintenance of the drainage system is essential to the existence of the residents within the catchment.

ECONOMIC IMPLICATIONS

The plan requires works undertaken by the Anna Bay Drainage Union to be in line with the Acid Sulfate Soils Manual. Works will now be undertaken in such a way that minimises downstream environmental harm by acid waters. The water from the Anna Bay Drain flows by the Fisheries Research Centre in Taylors Beach before entering Tilligerry Creek. This area is important for the Port Stephens Oyster Industry, a major economic source for the local area. Flow on effects from acid waters could also affect the Marine Park and tourism ventures within the Port.

There are major economic implications should Council take over responsibility of the drains currently managed by the Anna Bay Drainage Union. The Anna Bay Drainage Union is able to rate land holders within their area of responsibility however at present there is no legislation that would enable council to do the same.

ENVIRONMENTAL IMPLICATIONS

This management plan, if implemented correctly, will decrease environmental harm as result of disturbed acid sulfate soils.

CONSULTATION

The plan has been drafted by Port Stephens Council environmental services officers in consultation with the Anna Bay Drainage Union, and with assistance from Department of Primary Industries – Fisheries, and the Department of Water and Energy.

Several versions of the plan were produced before an agreement was reached with the Anna Bay Drainage Union. As per the Port Stephens LEP the final version was also sent to the Department of Primary Industries – Fisheries, and the Department of Water and Energy to

allow them 21 days to comment. Both departments were positive about the plan and no changes were suggested.

Although there was no requirement to publicly exhibit the plan, consultation was undertaken through the Tilligerry Creek Catchment Management Committee which is made up of equal numbers of government/industry and community members. The committee is supportive of the plan and in the future wants to expand the content into a guidance document for all drain maintenance activities in the Port Stephens LGA.

OPTIONS

- 1) 1) Adopt, reject or amend the recommendations

ATTACHMENTS

- 1) Anna Bay Drainage Union Acid Sulfate Soils Plan of Management
- 2) Letter from DPI – Fisheries

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1
ANNA BAY DRAINAGE UNION ACID SULFATE SOILS PLAN OF MANAGEMENT

Anna Bay Drainage Union

ACID SULFATE SOILS PLAN OF MANAGEMENT
as described in 51A of the Port Stephens Council
Local Environment Plan 2000

Floodgate and drain maintenance for acid sulfate
soils as indicated by the acid sulfate soils risk maps
available from Port Stephens Council

The aim of these guidelines is to:

1. Improve drain and floodgate maintenance practices to reduce inappropriate discharges into waterways during and after drain cleaning operations.
2. Increase awareness of options for weed control in drains other than by mechanical works.

Drain Maintenance Options for weed control

The feasibility of implementing non-mechanical maintenance strategies to manage aquatic vegetation in open drains in preference to mechanical weed removal should be thoroughly investigated. These options include:

1. Filling in redundant drains;
2. Reshaping the drain so that they are shallow and wider so drain can be slashed or mulched;
3. Spraying weeds in the drain
4. Promote tree growth along the northern edge of drains to shade out weeds ;
5. Modify floodgates to allow for controlled salt water exchange to aid in-stream weed management;

ALTERNATIVE METHODS FOR DRAIN AND FLOODGATE MAINTENANCE

RECOMMENDED PROCEDURES		COMMENTS/EXPLANATION
<i>Saltwater Flushing</i>	<p>If floodgates need repair they should be modified to allow tidal exchange (automated tidal exchange device or sluice gate).</p> <p>Investigate floodgate redesign (automated tidal exchange device or sluice gate).</p> <p>Assess seasonal opening of floodgates.</p>	<p>Leaking floodgates can have environmental benefits by flushing drains thus improving water quality, controlling some freshwater weeds and maintaining elevated ground water levels. Repair should ensure tidal flushing continues.</p> <p>Controlled opening allows the extent of salt water intrusion to be measured and/or controlled.</p> <p>Major structural repairs to floodgates or floodgate redesign will require approval from DPI Fisheries</p> <p>Saltwater flushing should be done gradually to avoid catastrophic changes in the drain as a result of the rapid change in water chemistry.</p> <p>Saltwater introduction into drains should also consider hydraulic conductivity of the soils along the drain. Hydraulic conductivity will control the rate and probably the distance of saltwater penetration into the groundwaters.</p>

ORDINARY MEETING – 26 AUGUST 2008

<p><i>Spraying Drains to Control Aquatic Weeds</i></p>	<p>Apply herbicides only in dry periods to avoid adverse impacts from the export of herbicide and decaying plant material from the works area.</p> <p>Floodgates should not be mechanically held open during and after spraying for the period specified by the chemical manufacturer to allow any surplus chemical to breakdown before entering the river.</p> <p>Ensure any spray contractors are appropriately licensed.</p> <p>Ensure that the proposed herbicide is fully compliant with an EPA licence for use on aquatic weeds and comply with label directions.</p> <p>An EPA permit is required for any spraying into water.</p>	<p>Herbicide use in aquatic situations is strictly controlled because the containment of the herbicide during and after spraying can be affected by dispersion of the chemical in water and any water movement through the work area. Also decaying vegetation matter can pollute waterways. i.e. Vegetation rotting in drains reduces Dissolved Oxygen of drain waters and can contribute to monosulphide black ooze formation.</p> <p>Vegetation on the edge of drains assist with erosion control and care must be taken when using herbicides near water as a small error in the application of the chemical could have rapid and adverse consequences beyond the drain. Consider spot spraying weeds rather than broad applications.</p> <p>EPA contact [02] 4908 6800</p> <p>A list of chemicals registered for this use is available from DPI</p>
<p><i>Use of Tree Cover for Weed Control</i></p>	<p>Allow full tree cover on the northern, north-west or north-east side of the drain to inhibit weed growth through shading.</p>	<p>Weeds will not grow well in shade. Maximum shade is achieved when trees are growing on the northern and north-west side of the drain. An added benefit is that tree root systems stabilise drain banks. The reduced water temperatures provided by shading also offer numerous benefits to water quality.</p> <p>This allows unobstructed access for cleaning while allowing trees on the northern side to grow without the need for removal.</p> <p>Trees can also exacerbate acid in areas of shallow acid sulphate soils. Site assessments are necessary to determine if tree planting is appropriate in high-risk areas.</p>

ORDINARY MEETING – 26 AUGUST 2008

<p><i>Documenting Procedures</i></p>	<p>This ensures that a record of what activities were conducted in the drain and when they occurred is kept and information can be gathered as to the effectiveness of the treatments.</p>	
--------------------------------------	--	--

In the event that mechanical drain maintenance is the only viable option, operators should use a reed bucket and adhere to the following procedures.

DRAIN AND FLOODGATE MAINTENANCE PROCEDURE

RECOMMENDED PROCEDURES	COMMENTS/EXPLANATION
<p>1 <i>Notification</i></p>	<p>The landholders and operators need to ensure any proposed works comply with all relevant legislation. Lack of knowledge is not an option for appeal if a breach occurs.</p> <p>Notify other stakeholders</p> <ul style="list-style-type: none"> - Oyster farmers through Oyster Quality Assurance Program. This will give oyster growers the opportunity to move stock if necessary. - Marine Park Authority. Part of the Anna Bay drainage system flows into a Marine Park Sanctuary Zone. - Port Stephens Council, so they can respond to any enquiries.
<p>2 <i>Timing of works</i></p>	<p>Drain cleaning works should be scheduled for drier climatic conditions to minimise the potential for any runoff. (Usually February).</p> <p>If sufficient rain (25mm) occurs during work so as to increase the potential of uncontrolled discharge, work should stop immediately and any potential discharge minimised and any actual discharge monitored and</p>

ORDINARY MEETING – 26 AUGUST 2008

	<p>treated as required. Works are not to recommence until runoff ceases.</p>	
<p>3 <i>Machinery Access</i></p>	<p>Although the Drainage union has a statutory right to enter any land inside or outside of its drainage district in the interest of cooperation notification should be given.</p> <p>Before entering other private property with excavating equipment, at least verbal notification should be provided to property owners.</p>	<p>It is important to ensure that all affected landholders (as well as all stakeholders) are aware of the proposed works to be undertaken on or adjacent to their property.</p>
<p>4 <i>Excavator Operators</i></p>	<p>If a contractor is doing the work, preference should be given to contractors who have attended relevant training.</p> <p>The contractor should be provided with a Works Procedure Plan by the Anna Bay Drainage Union.</p> <p>The contractor should work in such a way as to minimise sediment disturbance when removing aquatic weeds. The excavator must only use a reed bucket.</p> <p>The excavator should only use an approved reed bucket. The bucket must not be used to remove sediments or reshape the drain.</p>	<p>Contractors must have received accreditation and approved training in recognising and handling ASS material to ensure work is properly carried out.</p> <p>Written instructions are an important means of risk management as well as assisting the operator in understanding their task. (Example Plan available on request)</p> <p>Many aquatic plants have rooted systems within the drain sediments that make it impossible to avoid sediment disturbance when removing drain weeds. However all care should be taken to minimise sediment disturbance or removal.</p> <p>A reed bucket is used to minimise potential of removing or disturbing sediments potentially being acid sulphate soils. The reed bucket must not be used in a way to remove sediments.</p>

<p>5 <i>Pre-works management</i></p>	<p>The pH level of the drain must be assessed prior to works.</p> <p>Lime must be immediately available for delivery, prior to any works.</p> <p>Do not lift floodgate, remove temporary weir and/or silt curtain for two weeks after works are completed to allow sediment to settle and water pH to return to pre work levels. Lime may be added to assist pH to return to acceptable levels.</p> <p>All works should commence in the upper reaches of the drain and progressively work towards the outlet.</p> <p>Mature riparian vegetation should not be disturbed and/or removed unless absolutely necessary to facilitate access for the excavating machinery.</p>	<p>The landholder needs to ensure they can access lime when and if necessary during the planned works.</p> <p>Sediment curtain can be obtained from most hardware shops. This will assist in containing any disturbed sediment and preventing discharge of turbid water to waterways.</p> <p>Existing vegetation can help 'filter' sediment laden water and allows time for sediment to settle out prior to reaching the outlet.</p> <p>Riparian vegetation helps shade drains to minimise weed growth and should be encouraged to reduce maintenance frequency and costs.</p>
<p>6 <i>Determination of Liming Rate</i></p>	<p>Drain sediment and spoil should be tested to confirm the presence of ASS and determine an appropriate liming rate.</p> <p>Liming will only be required if spoil has been removed.</p> <p>An alternative to testing drain sediment in smaller scale projects involving maintenance activities less than 500 metres is to apply a conservative generic liming rate of 75kg/m³.</p> <p>For any drain maintenance activities greater than 500m it would be advisable to sample and laboratory test to reduce liming costs and avoid over liming.</p>	<p>More appropriate management strategies can be developed with detailed laboratory information on soil/drain sediment properties.</p> <p>This conservative generic rate has been set to allow landholders to minimise testing costs while also minimising adverse environmental risk from disturbance.</p> <p>Amount of lime required can be calculated by: Length of drain x Width of drain x Depth of disturbance x Liming rate/m³ spoil (75kg/m³) eg 400m x 2m x 0.2m x 75 = 12,000 kg lime</p> <p>It may be more economical to carry out tests for drain</p>

	<p>Any removed sediment additional to that associated with weeds or grass is then spread in a thin layer over the lime, with the rest of the lime spread over the sediment.</p> <p>Mix the top lime into spoil as soon as the material is dry enough to be cultivated.</p>	<p>cleaning work over 500m in length rather than applying generic liming rate.</p> <p>Liming is more effective when it is mixed through the sediment.</p> <p>Lime will assist in the neutralisation process. Spreading spoil in a thin layer will assist the mixing of lime by cultivation.</p> <p>Note: Spoil piles can contribute oxidation products (sulfuric acid and metals) through leaching and erosion back into the drain.</p>
<p>7 <i>Mangrove Removal</i></p>	<p>A permit is required from DPI (NSW Fisheries) to cut, damage or destroy marine vegetation and this applies for any mangrove removal in front (outside) of floodgates.</p> <p>Under permit, to maintain the function of the drain and floodgates, limit mangrove removal in front of floodgate to the base of the drain and remove young mangroves by hand.</p> <p>NSW Fisheries have advised that no permit is required to remove problematic mangroves from the base of drains <u>behind</u> operational floodgates</p> <p>Where possible, leave mature mangroves. If mangroves must be removed, replace with other tree species planted on the levee to shade the water, improve fish habitat and prevent the germination and growth of reeds.</p>	<p>Mangroves are protected under the NSW Fisheries Management Act (1994) because of their importance as fish habitat. The permit process minimises the removal of important habitat for aquatic species and ensures that any works minimise disturbance to the site.</p> <p>Removal of young plants (only with approval from NSW DPI - Fisheries) by hand outside the floodgate minimises disturbance of drain sediment and reduces long-term maintenance. A permit from NSW Fisheries will be required to do this.</p> <p>Mangrove removal <u>behind</u> floodgates without permits should only be undertaken along the centre of the drain and by hand tools only.</p>
<p>8 <i>Deepening or Widening Drains</i></p>	<p>The original profile of the drain must not be enlarged.</p>	<p>Any widening or deepening of drains, during maintenance procedures or at any other time, will require development consent from Council.</p>

RECOMMENDED PROCEDURES		COMMENTS/EXPLANATION
<i>Monitor</i>	Spot sampling before and after. This will help determine if the management is working.	pH to be measured Facts sheets on how to measure pH can be obtained from Council.
<i>Document</i>	Keep a file of what was done and when. Write a little report. Include pre and post water testing, lime rates, dates of work, rainfall conditions, flow rates etc. Pass this information onto Council and other stakeholders	Will be valuable for future drain management. Will assist new drain managers Will be able to determine if it is effective drain management or not.
<i>Report</i>	Immediately report environmental concerns to Port Stephens Council.	These are better reported early in the event rather than later when damage has already occurred.

Clearing of drains can enhance their flood mitigation capacity but can also increase their capacity to drain the sub-surface groundwater, which was one of the main original purposes of these drains. However this can lead to oxidation and export of acid sulphate soil products including pure sulphuric acid. If drain clearing lowers the water level in the drain, pen stocks or a weir should be fitted to the drain to maintain water table levels.

Any new drain construction work will require development consent from Council and approval from NSW DPI and Department of Water and Energy.

If you wish to seek any further information on these guidelines contact Port Stephens Council on 49800139.

This document will be reviewed every 5 years from the date of approval by Port Stephens Council as set out in clause 51A of the 2000 LEP, or as needed.

Attachment 2:

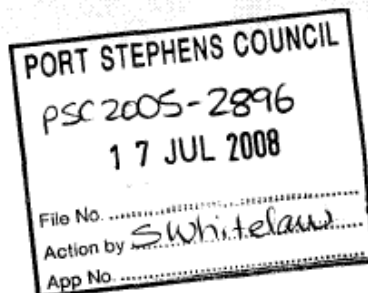
Letters from DPI – Fisheries and Department of Water and Energy



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

Now incorporating NSW Fisheries
ABN 51 73 412 4190-002

16 July, 2008



Ref: OUT08/8497
Your Ref: PSC2005-2896

Ms Sally Whitelaw
Natural Resources Coordinator
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Dear Ms Whitelaw,

Thank you for your letter of 4 July, 2008 regarding the Anna Bay Drainage Union Acid Sulfate Soil Management Plan.

The NSW Department of Primary Industries have been working closely with the Anna Bay Drainage Union over the past 12 months to educate them about acid sulfate soil (ASS) issues and encourage them to implement rehabilitation practises to minimise the discharge of ASS in the estuarine environment.

NSW DPI has worked closely with council and the Anna Bay Drainage Union in the development of the ASS Management Plan and endorses the final version that incorporates the changes recommended previously by NSW DPI.

If you have any further questions regarding the management plan, please don't hesitate to contact David Harasti, Senior Conservation Manager - Aquatic Habitat Rehabilitation, on (02) 4916 3905.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Bill Talbot'.

Bill Talbot
DIRECTOR, FISHERIES CONSERVATION AND AQUACULTURE

ITEM NO. 10

FILE NO: A2004-0242

QUARTERLY BUDGET REVIEW AS AT 30 JUNE 2008

REPORT OF: JEFF SMITH – ACTING GROUP MANAGER BUSINESS & SUPPORT

RECOMMENDATION IS THAT COUNCIL:

- 1) Notes the estimated Statement of Cash Position to 30/6/2008 as detailed in **ATTACHMENT 1** to this report.
- 2) Notes the estimated Statement of Restricted Funds Movements to 30/06/2008 as detailed in **ATTACHMENT 2** to this report.
- 4) Approve the discretionary changes to the adopted recurrent budget, (totalling \$401,204, a positive effect on Revenue) as detailed under separate cover as **TABLE 1.1** of **DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
- 5) Approve the discretionary changes to the adopted capital budget, (totalling \$83,920, a negative effect on Revenue) as detailed under separate cover as **TABLE 1.2** of **DOCUMENT 1** to this report and vote the necessary funds to meet the expenditure.
- 6) Notes the identified issues, which may have a future budgetary impact, as identified under separate cover as **TABLE 2** of **DOCUMENT 1** to this report.
- 7) Notes the estimated surplus/(deficit) from ordinary activities before capital amounts of \$1,094,383.
- 8) Notes the Quarterly Budget Review comparing Budgets to Actuals as tabled under a separate cover as **DOCUMENT 2** to this report.

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

227	Councillor Hodges Councillor Robinson	It was resolved that the recommendation be adopted.
-----	--	---

BACKGROUND

The purpose of this report is to amend the Budget by bringing to Council's attention the proposals and issues that have an impact on the 2007/2008 Budget.

Council adopted its Council Plan 2007/2010 (Council Minute 134) on the 22nd May, 2007, this included budget estimates for the 2007/2008 financial year.

The major changes to the Recurrent Budget in this Review are detailed in Table 1.1 of Document 1 and are summarised as follows:

- \$147,625 increased income for Corporate Management - legal costs recovered (item 3).
- \$147,800 increased expenditure for Corporate Management - operating legal costs (item 3).
- \$128,061 decreased income for Insurance and Risk Management (item 11).
- \$183,627 decreased expenditure for Management Accounting (item 12).
- \$200,000 decreased income for Investment Properties (item 13).
- \$154,000 increased expenditure for Investment Properties (item 14).
- \$105,269 decreased income for Halifax Holiday Park (item 18).
- \$138,300 increased income for Shoal Bay Holiday Park (item 20).
- \$132,304 increased expenditure for Shoal Bay Holiday Park (item 20).
- \$187,079 increased expenditure for Shoal Bay Holiday Park (item 21).
- \$109,370 decreased income for Fingal Bay Holiday Park (item 24).
- \$159,562 increased expenditure for Fingal Bay Holiday Park (item 24).
- \$138,697 increased income for Operations Civil Projects (item 38).
- \$407,470 increased income and expenditure for storm damage repairs (item 53).
- \$160,000 increased income and expenditure for Stockton Street retaining wall (item 54).
- \$175,090 decreased expenditure for Council Roads asset rehabilitation (item 58).
- \$203,260 increased income and expenditure for Recreation Area Maintenance (item 72).

The major transfers to the Recurrent Budget in this forecast, detailed in Table 1.1 of Document 1 are:

- \$155,090 expenditure transferred from Operations Civil Maintenance West to Operations Civil Maintenance East (items 42 and 44).

The major changes to the Capital Budget in this Review are detailed in Table 1.2 of Document 1 and are summarised as follows:

- Decreased expenditure of \$102,950 for the Office and Chambers (item 2).
- Decreased expenditure of \$430,000 for Halifax Holiday Park (item 4).
- Decreased expenditure of \$920,000 for Fingal Bay Holiday Park (item 5).
- Increased expenditure of \$114,000 for Old Punt Road & Old Main Road drainage items 10 and 11).
- Increased expenditure of \$150,000 for Sea Breeze drainage (item 12).

ORDINARY MEETING – 26 AUGUST 2008

- Decreased expenditure of \$100,000 for Clarendetown Road reconstruction (item 15).
- Increased expenditure of \$117,000 for Newline Road reconstruction (item 18).
- Decreased expenditure of \$267,275 for Council's Roads Construction (item 31).
- Decreased expenditure of \$250,000 for Salamander Waste Depot (item 35).
- Increased expenditure of \$227,000 for Salamander Bay Waste Transfer Station (item 36).
- Increased expenditure of \$110,260 for Tomaree pool (item 45).
- Decreased expenditure of \$140,000 for Tilligerry Foreshore Management Plan (item 59).

The major transfers to the Capital Budget in this forecast, detailed in Table 1.2 of Document 1 are:

- \$124,000 funding for Caswells Creek Bridge transferred from Asset Rehabilitation Restricted Fund to Sec 94 Restricted Fund (item 17).

This report also foreshadows impacts on Council's future financial position.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

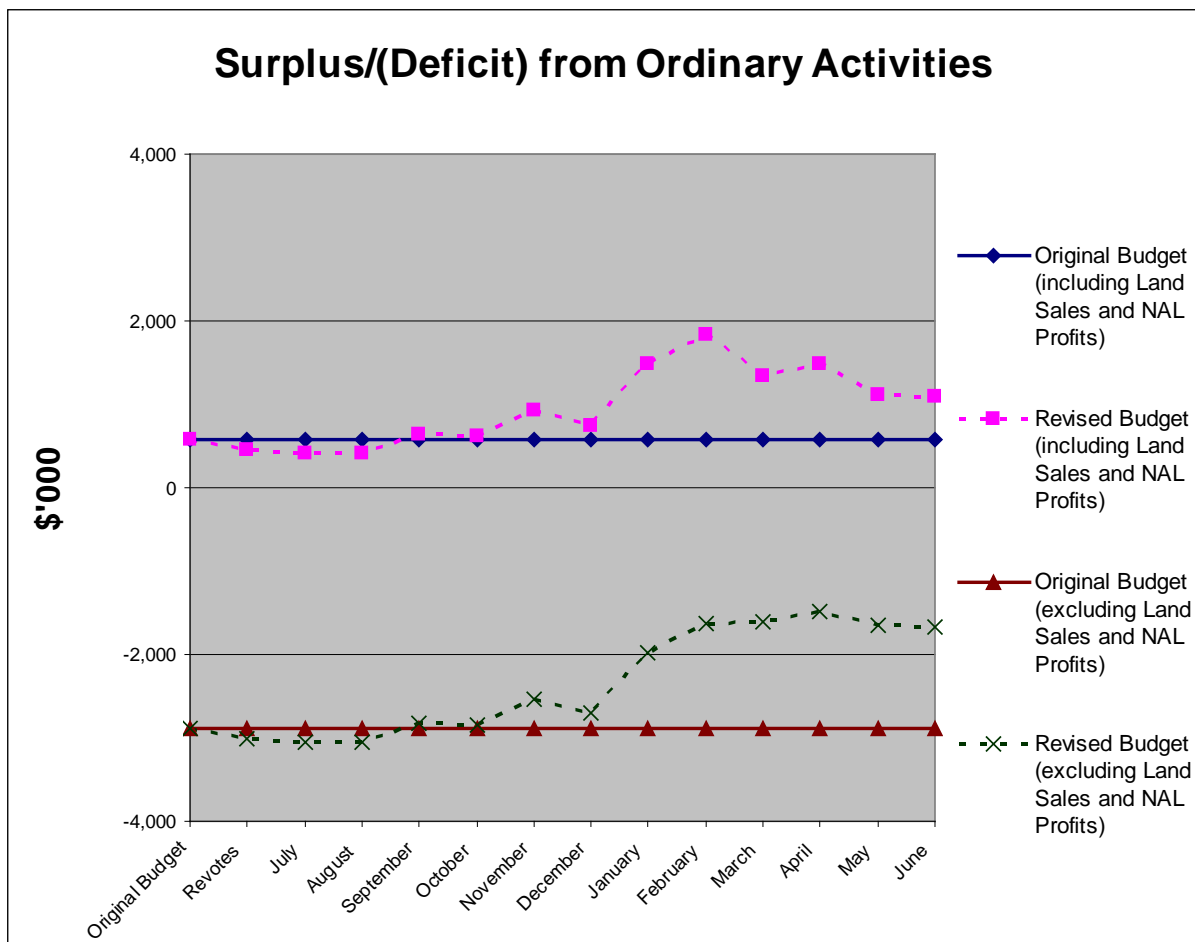
FINANCIAL/RESOURCE IMPLICATIONS

Council's Original 2007/2008 Budget estimate is a \$108,561 cash deficit after internal transfers and before depreciation of \$12.256 million. TABLE'S 1.1 and 1.2 of Document 1 of this report detail the changes in this review. The net cash result of these changes, and the 2007 revotes and carry forwards, is a projected cash deficit of \$39,915 (Ref N of Attachment 1), before 2008 revotes and carry forwards are taken into account and are shown in the table below;

IMPACT OF QUARTERLY BUDGET REVIEW ON COUNCIL'S ADOPTED BUDGET				
	Recurrent	Capital	Total	Ref
Document 1 Table 1.1	\$401,204	\$0	\$401,204	
Document 1 Table 1.2	\$0	(\$83,920)	(\$83,920)	
Previous Quarterly Budget Reviews	\$888,136	(\$957,896)	(\$69,760)	
Original Budget after transfers and before Depreciation	\$1,265,439	(\$1,374,000)	(\$108,561)	
Net Available Surplus Funds	\$2,554,779	(\$2,415,816)	\$138,963	
Revotes and Carry Forwards from previous year	(\$56,837)	(\$122,041)	(\$178,878)	
Revised 2007/2008 Cash Surplus (after transfers and before Depreciation)	\$2,497,942	(\$2,537,857)	(\$39,915)	N

PROJECTED FINANCIAL RESULT FOR 2007/08

	Ref	After June Forecast	ORIGINAL BUDGET
Total Operating Revenue	A	\$77,075,912	\$72,658,858
Less Total Operating Expenditure	B	(\$63,725,529)	(\$59,823,606)
Less Total Depreciation and Provisions Transferred	C	(\$12,256,000)	(\$12,256,000)
	D=B+C	(\$75,981,529)	(\$72,079,606)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$1,094,383	\$579,252
Net Operating movement for June Forecast		(\$249,097)	
Total Budgeted Land Sales Profits	F	\$1,300,000	\$2,000,000
Total Budgeted Newcastle Airport (NAL) Profits	G	\$1,459,605	\$1,459,605
Surplus/(Deficit) From Ordinary Activities without Land Sale Profits, NAL Profits and Before Capital amounts	H=E-F-G	(\$1,665,222)	(\$2,880,353)



LEGAL AND POLICY IMPLICATIONS

The Local Government (Financial Management) Regulation Section 7 requires that a Budget Review Statement be submitted to Council no later than two months after the end of each quarter and that all expenditure must be authorised and voted by Council before it is incurred. This report is submitted so that Council can review the impact of all issues, which will affect the Budget.

The General Manager has the delegated authority to approve changes up to \$10,000 within a Group.

The June Quarterly Budget Review Statement indicates that Council's financial position (excluding land sale profits) has improved. However, the situation needs to be monitored closely with particular regard to those issues contained in TABLE 2 of Document 1. Long-term financial projections will also be reviewed.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Council's Budget is fundamental for operational sustainability and to the provision of facilities and services to the community.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Executive Group
Section Managers

OPTIONS

- 1) That Council accepts the discretionary changes to the adopted budget.
- 2) That Council rejects some or all of the discretionary changes to the adopted budget.

ATTACHMENTS

- 1) Attachment 1 Estimated Statement of Cash Position to 30/06/2008.
- 2) Attachment 2 Estimated Statement of Restricted Funds Movements to 30/06/2008.

COUNCILLORS ROOM

- 1)

TABLED DOCUMENTS

Document 1 of 2007-2008 Quarterly Budget Review for June 2008.

Table 1.1 Discretionary Changes to adopted Recurrent Budget.

Table 1.2 Discretionary Changes to adopted Capital Budget.

Table 2 Identified issues, which may have a future budgetary impact.

Document 2 of 2007-2008 Quarterly Budget Review for June 2007, comparing Budgets to Actuals.

ATTACHMENT 1

ESTIMATED STATEMENT OF CASH POSITION TO 30/06/2008 2008 Budget Forecast after June Forecast			
	Ref	2008 Budget Forecast after June Forecast	Original Budget
Total Operating Revenue	A	\$77,075,912	\$72,658,858
Less Total Operating Expenditure	B	(\$63,725,529)	(\$59,823,606)
Less Total Depreciation and Provisions Transferred	C	(\$12,256,000)	(\$12,256,000)
	D=B+C	(\$75,981,529)	(\$72,079,606)
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	E=A+D	\$1,094,383	\$579,252
Add Back: Depreciation and Provisions Transferred	C	\$12,256,000	\$12,256,000
Less Councils Share of Newcastle Airport Profit (excluding depreciation)	W	(\$1,459,605)	(\$1,459,605)
Cash Surplus From Operations	F=A+B	\$11,890,778	\$11,375,647
Transferred to Restricted Funds	G	\$9,392,836	\$10,110,208
Cash Surplus / (Deficit) From Operations After Transfers	H=F-G	\$2,497,942	\$1,265,439
Total Capital Income	I	\$10,890,564	\$13,861,000
Total Capital Expenditure	J	(\$25,262,776)	(\$28,909,841)
Surplus/(Deficit) From Capital Works	K=I+J	(\$14,372,212)	(\$15,048,841)
Transferred from Restricted Funds	L	(\$11,834,355)	(\$13,674,841)
Cash Surplus / (Deficit) From Capital Works After Transfers	M=K-L	(\$2,537,857)	(\$1,374,000)
Total Cash Surplus / (Deficit) After Transfers	N=H+M	(\$39,915)	(\$108,561)
RECONCILIATION OF CASH POSITION			
Opening Cash Position as at 01/07/2007	O	\$29,103,884	\$29,103,884
Estimated Cash Position as at 30/06/2008	P	\$28,413,980	\$27,978,251
Increase/(Decrease) in Cash Balance	Q=P-O	(\$689,904)	(\$1,125,633)
Represented By:			
Estimated opening Restricted Funds Balance	R	\$32,949,974	\$24,947,400
Closing Restricted Funds Balance	S	\$32,244,732	\$23,969,635
Increase/(Decrease) in Restricted Funds Balance	T=S-R	(\$705,242)	(\$977,765)
Repayment of Capital Lease and Newcastle Airport Loan	X	\$55,253	(\$39,307)
Total Cash Surplus/ (Deficit) from Operations & Capital	N=Q-T	(\$39,915)	(\$108,561)
Principal of Loan Funds Repaid and Finance leases	U	(\$2,200,591)	\$0
Loan Funds and Proceeds from Sales Received	V	\$3,936,868	\$2,586,868
Increase/(Decrease) in Cash Balance	Q=T+X+N	(\$689,904)	(\$1,125,633)

ATTACHMENT 2

ESTIMATED STATEMENT OF RESTRICTED FUNDS MOVEMENTS TO 30/06/2008					
2008 Budget Forecast after June Forecast					
RESTRICTED FUNDS	Balance as at 30/06/2007	Recurrent Budget	Capital Budget	Balance Sheet Movements	Estimated as at 30/06/2008
SECTION 94	\$13,422,000	\$513,060	(\$1,969,166)		\$11,965,894
DOMESTIC WASTE MANAGEMENT	\$4,421,378	\$1,453,256	(\$1,624,000)	(\$378,619)	\$3,872,015
Sub Total. Externally Restricted	\$17,843,378	\$1,966,316	(\$3,593,166)	(\$378,619)	\$15,837,909
BUSINESS DEVELOPMENT RESTRICTED FUND	\$1,278,056	\$126,856	(\$849,866)	\$304,498	\$859,544
INVESTMENT PROPERTIES DEPRECIATION FUND (INVESTMENT PROPERTIES SINKING FUND)	\$461,168	\$597,114	\$0		\$1,058,282
ASSET REHABILITATION RESERVE	\$617,803	\$191,760	(\$477,419)		\$332,144
FLEET MANAGEMENT (PLANT)	\$2,544,471	\$2,448,944	(\$1,977,059)	\$418,485	\$3,434,841
OTHER WASTE SERVICES	\$2,696,248	\$0	\$0		\$2,696,248
QUARRY DEVELOPMENT	\$757,444	(\$9,171)	(\$20,000)		\$728,273
BUSINESS OPERATIONS RESTRICTED FUND	(\$2,111,660)	\$518,346	(\$2,042,968)	\$41,913	(\$3,594,369)
EMPLOYEE LEAVE ENTITLEMENTS	\$4,408,597	\$0	\$0		\$4,408,597
BEACH VEHICLE PERMITS	(\$20,033)	\$12,214	(\$20,842)		(\$28,661)
DRAINAGE	(\$304,056)	\$1,054,750	(\$1,990,000)	\$1,350,000	\$110,694
INTERNAL LOAN	(\$1,521,858)	\$902,339	\$0		(\$619,519)
TRANSPORT LEVY	\$215,630	\$140,000	(\$258,000)		\$97,630
ENVIRONMENTAL LEVY	\$328,680	\$98,689	(\$80,000)		\$347,369
ADMINISTRATION BUILDING SINKING FUND	\$439,066	\$356,832	(\$85,050)		\$710,848
DEPOT SINKING FUND	\$522,154	\$369,125	(\$96,034)		\$795,245
RTA BYPASS ROADS MTCE RESTRICTED FUND	\$1,854,514	\$104,520	(\$300,000)		\$1,659,034
RESTRICTED CASH	\$2,354,994	\$35,980	(\$7,661)		\$2,383,313
COUNCILLOR WARD FUNDS	\$54,837	\$135,768	(\$36,290)		\$154,315
INFORMATION TECHNOLOGY STRATEGY	\$178,071	\$11,294	\$0		\$189,365
PROVISION FOR LOCAL GOVT ELECTION	\$100,000	\$50,000	\$0		\$150,000
PARKING METER RESERVE	\$252,470	\$281,160	\$0	\$0	\$533,630
Sub Total. Internally Restricted	\$15,106,596	\$7,426,520	(\$8,241,189)	\$2,114,896	\$16,406,823
RESTRICTED FUNDS TOTAL	\$32,949,974	\$9,392,836	(\$11,834,355)	\$1,736,277	\$32,244,732
* Balance Sheet Movements are the repayments of the Principals on Loans and the funds from Loans received and the proceeds for land Sales					

ITEM NO. 11

FILE NO: PSC2008-3495

**GWH BUILDING PTY LIMITED V GREAT LAKES COUNCIL –
KARUAH HIGHWAY SERVICE CENTRE PROPOSAL**

REPORT OF: PETER GESLING - GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Contribute \$25,000 towards the legal costs incurred by Great Lakes Council in this matter, in recognition of the potential impact the matter had on the township of Karuah.

Please note: The General Manager brought to the attention of Council that there were two corrections to the report presented:

“Great Lakes Council then approached Port Stephens Council seeking a “reasonable contribution” towards the legal costs of the matter. For various reasons, the request was not put back to Council. (Delete the following; ***Councillors were given the opportunity to call the matter up to Council***)

“it is proposed that Council pay one third of the cost to Great Lakes Council of Dr Parolin; **and one quarter** (not one fifth) of the combined barristers and solicitor fees, as a reflection of the amount of Court time spent on the aspect of economic impacts.

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

228	Councillor Nell Councillor Hodges	It was resolved that the recommendation be adopted.
-----	--------------------------------------	---

BACKGROUND

The purpose of this report is to seek Council approval for payment of a contribution towards legal costs incurred by Great Lakes Council in 2004 in this matter.

In early 2003, Great Lakes Council received a development application for the establishment of a highway service centre approximately 3.5km north of the township of Karuah. The Karuah Community & Economic Redevelopment Committee viewed the establishment of this type of development so close to Karuah as having serious economic and social impacts on the township and as going against the spirit of the Karuah Bypass Project Planning Approval. Council resolved in March 2003 to support the Karuah Community & Economic

Redevelopment Committee on this matter, and to formally request the support of Great Lakes Council and the Roads & Traffic Authority to promote Karuah as a highway service town (Minute #124, 25 March 2003 – see attachment 1).

On 13 July 2004, Great Lakes Council resolved to refuse the development application for the service centre in part on the basis that the proposed development was considered to have detrimental social and economic impacts on the townships of Karuah and Bulahdelah. The Council also resolved to resist the appeal lodged by the applicants in the Land and Environment Court on the grounds of deemed refusal, and to seek a “fair financial contribution” from Port Stephens Council regarding legal and other associated costs.

Port Stephens Council initially sought to be joined as a party to the matter, however the Land and Environment Court refused to give standing to Council. It was later resolved that Council support Great Lakes Council in the matter as a witness in the litigation (Minute #195, 22 June 2004 – see attachment 2). In all, Council incurred costs in the matter in the order of \$8,300.

The matter was heard on 11 August 2004 and judgment handed down dismissing the appeal and refusing the development application. A number of aspects were taken into account in the decision including town planning matters, economic impacts, ecological considerations and engineering issues.

Great Lakes Council then approached Port Stephens Council seeking a ‘reasonable contribution’ towards the legal costs of the matter. For various reasons, the request was not put back to Council (Councillors were given the opportunity to call the matter up to Council) and no contribution was made at the time.

The question of a reasonable contribution has recently resurfaced and, given the matter had a bearing on the township of Karuah, work on quantification of that contribution has been undertaken.

As the proposed development was outside of the Port Stephens Local Government Area (and therefore engineering, ecological and town planning issues were not something for which this Council was responsible), the part of the matter applicable to the township of Karuah and in which this Council would have some interest is the consideration of economic impacts.

The Court appointed expert witness for economic impacts in the matter was Dr Bruno Parolin. In his evidence, Dr Parolin quantified the probable impacts on Karuah as being 38 jobs at six businesses likely to be lost as a result of the proposed service centre (although he also added that the proposed centre could provide a significant number of jobs if it went ahead). He went on to say that 97 jobs would be likely to be lost as a result of the combined effect of the bypass and the service centre. (At the time, 38 jobs represented approximately 16.5 per cent of total employment in the town.)

In relation to Bulahdelah, Dr Parolin stated that highway trade generated 70 per cent of the total town product and that it was likely 124 jobs at 12 businesses would be lost if the service centre went ahead. He state that job loss represented 29.5 per cent of total employment in the town.

In all, approximately 25 per cent of preparation and Court time in the matter was spent on the economic impact issues.

Great Lakes Council's legal costs in the matter amounted to \$124,440. Of that amount, \$75,283 was expended on barrister's and solicitor's fees, and \$15,963 on the expert economic evidence. Given that Dr Parolin's evidence stated the economic impact on Bulahdelah would have been twice that on Karuah, it is proposed that Council pay one third of the cost to Great Lakes Council of Dr Parolin; and one-fifth of the combined barristers and solicitor fees, as a reflection of the amount of Court time spent on the aspect of economic impacts.

25% of Barrister and Solicitor Fees	\$ 18,821
33.3% of cost of Dr Parolin	\$ 5,316
Total :	\$ 24,137

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

The contribution to legal costs will be funded from Council's legal budget.

LEGAL AND POLICY IMPLICATIONS

Whilst there is no legal obligation for Council to make a contribution toward the legal costs incurred by Great Lakes Council, such a contribution will enhance relations with a neighbouring Council and will reflect the relevance of the matter to the economic viability of the township of Karuah.

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

A contribution will enhance relations with a neighbouring Council and will reflect the relevance of the matter to the economic viability of the township of Karuah.

ECONOMIC IMPLICATIONS

As above.

ENVIRONMENTAL IMPLICATIONS

Nil.

CONSULTATION

Great Lakes Council
Group Manager, Sustainable Planning
Social Planning Co-ordinator
Strategic Engineer

OPTIONS

- 1) Adopt the recommendation
- 2) Adopt the recommendation as amended
- 3) Not adopt the recommendation

ATTACHMENTS

- 1) Notice of Motion and Minute #124 of 25 March 2003
- 2) Report to Council re *Land & Environment Court Appeal – Proposed Highway Service Centre North of Karuah* and Minute #195 of 22 June 2004

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

Nil

ATTACHMENT 1

MINUTES FOR ORDINARY MEETING – 25 MARCH 2003

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 3150-029 3250-022

PROPOSED HIGHWAY SERVICE CENTRE IMPLICATIONS ON THE TOWNSHIP OF KARUAH

COUNCILLOR: GLENYS PLOWMAN

THAT COUNCIL:

1. Support the Karuah Community & Economic Redevelopment Committee's position on Service Centres between Raymond Terrace and Bulahdelah.
- 12) Formally request support from Great Lakes Council and the Roads & Traffic Authority to promote Karuah as a highway service town and consider the inclusion of Karuah within the development of a Pacific Highway Service Centre Strategy.
- 13) Work cooperatively with Great Lakes Council and the Roads & Traffic Authority in the development of a Pacific Highway Service Centre Strategy that includes the Pacific Highway between the Hexham Bridge and Karuah.

BACKGROUND AUTHOR – P BUCHAN - COMMUNITY PLANNING MANAGER

BACKGROUND

At the last meeting of the Karuah Community & Economic Redevelopment Committee the Mayor Great Lakes Council, Cr John Chadban informed the committee that Great Lakes Council had received an application to build a Service Centre on the Pacific Highway at the eastern interchange with Branch Lane. Furthermore he confirmed that Council had been approached by two other developers also interested in establishing Service Centres near the same interchange.

Service Centres typically cater for highway travel with fuel and different food options, they are generally located so that they are conspicuous and provide easy vehicular access to and from the highway.

The establishment of this type of development so close to the township of Karuah goes against the spirit of the Bypass Project Planning Approval. In that Approval a Plan was to be prepared to support the township of Karuah in terms of its economic and social future. The committee responsible for this Plan has been working together with the Community of Karuah for the past five months. The Committee considers that Karuah should be maintained as a highway "Service Town" and as such a service centre outside of the town will detract from this concept. The committee considers it unnecessary for a service station to be built outside the town given that currently, there are three that exist within the town itself.

MINUTES FOR ORDINARY MEETING – 25 MARCH 2003

At the Committee meeting of the 12 February 2003, it was resolved to initiate a statement to both Port Stephens and Great Lakes Councils seeking an undertaking to prevent the development of Service Centres on the Pacific Highway between Raymond Terrace to Karuah and Karuah to Bulahdelah. The following recommendations came from that meeting.

1. Send a formal submission to Great Lakes Council, which in summary would oppose Service Centres between Karuah and Bulahdelah because they would be in conflict of Service Towns as indicated in all previous information on the Karuah bypass.
25. Write to Port Stephens Council to encourage the development of Highway Service Centre strategy and provide a submission against the proposed Service Centre near Branch Lane.

124	Councillor Plowman Councillor Kozary	It was resolved that the amended Notice of Motion be adopted.
------------	---	--

ATTACHMENT 2

MINUTES FOR ORDINARY MEETING – 22 JUNE 2004

ITEM NO. 4

FILE NO: S9880-49

LAND & ENVIRONMENT COURT APPEAL - PROPOSED HIGHWAY SERVICE CENTRE NORTH OF KARUAH

AUTHOR: PAUL DOUGLASS – GROUP MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Reaffirm the objection to the Highway Service Centre north of Karuah, and
- 2) Resolve to support Great Lakes Council in the Land & Environment Court as a Party in the litigation.

OPERATIONS COMMITTEE 8 JUNE 2004

Recommendation: That Council –

- 1) Reaffirm the objection to the Highway Service Centre north of Karuah, and
- 2) Resolve to support Great Lakes Council in the Land & Environment Court as a Witness in the litigation.

ORDINARY MEETING 22 JUNE 2004

195	Councillor Plowman Councillor Swan	<p>It was resolved that Council</p> <ol style="list-style-type: none"> 1) Reaffirm the objection to the Highway Service Centre north of Karuah, and 2) Resolve to support Great Lakes Council in the Land & Environment Court as a <u>Witness</u> in the litigation.
-----	---------------------------------------	--

A division was called for – Moved Cr Plowman Seconded Cr Brown

Those for the Motion: Crs Plowman, Swan, Nell, Brown, Jordan, Baumann, Dingle, Westbury and Tucker

Those against the Motion: Cr Hodges

Point of Order: Cr Dingle

That he considered that Cr Hodges had a Pecuniary Interest in this matter and asked Cr Hodges to withdraw from the matter/discussions. The Mayor sought advice from the General Manager. The General Manager advised that it is up to Cr Hodges to declare any interest. Cr Hodges has not declared an interest.

MINUTES FOR ORDINARY MEETING – 22 JUNE 2004

BACKGROUND

The purpose of this report is firstly to make Council aware of the litigation between Great Lakes Council and the proponents of highway service centre north of Karuah. Secondly, Council should re-affirm its position with respect to the proposal and consider the implications of becoming a party to the litigation.

Great Lakes Council approached Port Stephens Council in respect of proceedings in the Land & Environment Court between GWH Building Pty Ltd and Great Lakes Council. This litigation relates to a proposed service centre on the Pacific Highway north of Karuah. The application was submitted to Great Lakes Council and an appeal was lodged prior to Council determining the application.

In March 2003 Council supported the Karuah Community & Economic Redevelopment Committee's position on Service Centres between Raymond Terrace and Bulahdelah. A copy of the Notice of Motion is attached. This support was based on the premise that Karuah should be maintained as a "Service Town" and any proposed highway service centres around the bypass would be detrimental to Karuah.

At this stage Council has instructed solicitors to make representation to the L&E Court to become a Party to the litigation. This will involve Port Stephens Council being legally represented at the Hearing and also providing statements to the Court.

Solicitors have already been briefed in this action as the Court Callover was 24 May 2004 and it was necessary for Council to register an interest at this time. Council can discontinue at this stage if the above recommendation to become a party to the action is not supported. There has been minimal financial commitment to date however it is important to discontinue immediately if Council does not support the above recommendation.

LINKS TO CORPORATE PLANS

The above recommendation is linked to the goal of *encouraging appropriate and sustainable economic development that enhances lifestyle and employment opportunities.*

FINANCIAL/RESOURCE IMPLICATIONS

There will be legal costs in representation in the Court however as Great Lakes Council is the First Respondent the significant costs will rest with them. Council will be required to prepare documentation and attend the hearing. A preliminary estimation of legal costs is \$10,000 to \$15,000.

LEGAL AND POLICY IMPLICATIONS

There is no legal or policy issue which would require Port Stephens Council to become involved in this litigation. Council's decision to become a party to the action is based on responsibility to the community of Karuah.

MINUTES FOR ORDINARY MEETING – 22 JUNE 2004

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Council's resolution of March 2003 was based on the principle of ensuring Karuah remained a healthy and sustainable community following the completion of the bypass.

ECONOMIC IMPLICATIONS

The recommendation of this report is based on Council's concern for the long term financial sustainability of Karuah.

ENVIRONMENTAL IMPLICATIONS

There are no specific or identified environmental implications for Port Stephens Council in this instance.

CONSULTATION

Council has consulted with Great Lakes Council and their legal representative in this instance.

OPTIONS

- 1) To follow the recommendation as proposed, or
- 2) To resolve to discontinue Port Stephens Council's involvement in the litigation.

ATTACHMENTS

- 1) Notice of Motion from 25 March 2003

TABLED DOCUMENTS

- 1) Nil

MINUTES FOR ORDINARY MEETING – 22 JUNE 2004

ATTACHMENT 1

MINUTES FOR ORDINARY MEETING – 25 MARCH 2003

NOTICE OF MOTION

ITEM NO. 2

FILE NO: 3150-029 3250-022

PROPOSED HIGHWAY SERVICE CENTRE IMPLICATIONS ON THE TOWNSHIP OF KARUAH

COUNCILLOR: GLENYS PLOWMAN

THAT COUNCIL:

- 1) Support the Karuah Community & Economic Redevelopment Committee's position on Service Centres between Raymond Terrace and Bulahdelah.
- 1) Formally request support from Great Lakes Council and the Roads & Traffic Authority to promote Karuah as a highway service town and consider the inclusion of Karuah within the development of a Pacific Highway Service Centre Strategy.
- 2) Work cooperatively with Great Lakes Council and the Roads & Traffic Authority in the development of a Pacific Highway Service Centre Strategy that includes the Pacific Highway between the Hexham Bridge and Karuah.

BACKGROUND AUTHOR – P BUCHAN - COMMUNITY PLANNING MANAGER

BACKGROUND

At the last meeting of the Karuah Community & Economic Redevelopment Committee the Mayor Great Lakes Council, Cr John Chadban informed the committee that Great Lakes Council had received an application to build a Service Centre on the Pacific Highway at the eastern interchange with Branch Lane. Furthermore he confirmed that Council had been approached by two other developers also interested in establishing Service Centres near the same interchange.

Service Centres typically cater for highway travel with fuel and different food options, they are generally located so that they are conspicuous and provide easy vehicular access to and from the highway.

The establishment of this type of development so close to the township of Karuah goes against the spirit of the Bypass Project Planning Approval. In that Approval a Plan was to be prepared to support the township of Karuah in terms of its economic and social future. The committee responsible for this Plan has been working together with the Community of Karuah for the past five months. The Committee considers that Karuah should be maintained as a highway "Service Town" and as such a service centre outside of the town will detract from this concept. The committee considers it unnecessary for a service station

MINUTES FOR ORDINARY MEETING – 22 JUNE 2004

MINUTES FOR ORDINARY MEETING – 25 MARCH 2003

to be built outside the town given that currently, there are three that exist within the town itself.

At the Committee meeting of the 12 February 2003, it was resolved to initiate a statement to both Port Stephens and Great Lakes Councils seeking an undertaking to prevent the development of Service Centres on the Pacific Highway between Raymond Terrace to Karuah and Karuah to Bulahdelah. The following recommendations came from that meeting.

- 1) Send a formal submission to Great Lakes Council, which in summary would oppose Service Centres between Karuah and Bulahdelah because they would be in conflict of Service Towns as indicated in all previous information on the Karuah bypass.
- 2) Write to Port Stephens Council to encourage the development of Highway Service Centre strategy and provide a submission against the proposed Service Centre near Branch Lane.

124	<u>Councillor Plowman</u> <u>Councillor Kozary</u>	It was resolved that the amended Notice of Motion be adopted.
-----	---	--

ITEM NO. 12

INFORMATION PAPERS

REPORT OF: JUNE SHINE – ACTING GROUP MANAGER – CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

Receives and notes the Information Papers listed below being presented to Council on 12 August, 2008.

No:	Report Title	Page:
1.	PETITION – FLEXIBLE CHILD CARE FOR RAYMOND TERRACE	154
2.	CASH AND INVESTMENTS HELD AT 30 JUNE 2008	155
3.	PETITION – DO YOU WANT TO SAVE OUR FAMILY HISTORY CENTRE?	160
4.	INSURANCE RENEWALS 2008-2009	161
5.	ABORIGINAL STRATEGIC COMMITTEE MEETING WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL	163
6.	ACCESS COMMITTEE MINUTES	168
7.	DETERMINED AND UNDETERMINED DEVELOPMENT APPLICATIONS	172
8.	PORT STEPHENS FUTURES STRATEGY	193
9.	VALUATION INCREASE	199
10.	PETITION – NO BAN ON SECOND HOMES ON RURAL LAND	202

OPERATIONS COMMITTEE MEETING – 12 AUGUST 2008

RECOMMENDATION:

That the recommendation be adopted.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

229	Councillor Francis Councillor Brown	It was resolved that the recommendation be adopted.
------------	--	--

OPERATIONS COMMITTEE INFORMATION PAPERS



INFORMATION ITEM NO. 1

PETITION – FLEXIBLE CHILD CARE FOR RAYMOND TERRACE

REPORT OF: PETER GESLING, GENERAL MANAGER
FILE: PSC2008-4110

BACKGROUND

The purpose of this report is to advise Council of a petition that has been received with approximately 90 signatures. The petition states:

“Raymond Terrace Occasional Care Centre is in threat of closure due to new development happening in the CBD.

This service offers flexible and affordable care for a wide range of families in Raymond Terrace who have no other support, families with working parents who need part time care and families who have no opportunity to access other types of child care for many reasons. We are asking that you consider the outcome if this centre were to cease operating and if you believe it is a vital and important community resource.

Please sign this document so we are able to give Port Stephens Council a true result on the needs of care in the community.

Thankyou RTOCC Management”

INFORMATION ITEM NO. 2

CASH AND INVESTMENTS HELD AT 30 JUNE 2008

**REPORT OF: JEFF SMITH, FINANCIAL SERVICES MANAGER
FILE: PSC2006-6531**

BACKGROUND

The purpose of this report is to present Council's schedule of Cash and Investments Held at 30 June 2008.

ATTACHMENTS

- 1) **Cash and Investments Held at 30 June 2008.**
- 2) **Monthly Cash and Investments Balance July 2007 – June 2008**

ATTACHMENT 1

CASH & INVESTMENTS HELD ASAT 30 JUNE 2008								
INVESTED WITH	INV.	DATE	COUPON	MATURITY	NO. OF	AMOUNT	INTEREST	% OF TOTAL
	TYPE	INVESTED	DATE	DATE	DAYS	INVESTED	RATE	FUNDS HELD
GRANGE SECURITIES								
WIDE BAY CAPRICORN BUILDING SOCIETY	Floating Rate Sub Debt	16-Jun-08	15-Sep-08	15-Dec-08	91	500,000.00	9.44%	1.44%
MAGNOLIA FINANCE LTD 2005-14 "FLINDERS AA"	Floating Rate CDO	20-Jun-08	22-Sep-08	20-Mar-12	94	1,000,000.00	9.32%	2.87%
NEXUS BONDS LTD "TOPAZ AA-"	Floating Rate CDO	22-May-08	21-Nov-08	23-Jun-15	183	412,500.00	10.45%	1.19%
HERALD LTD "QUARTZ AA"	Floating Rate CDO	20-Jun-08	22-Sep-08	20-Dec-10	94	450,000.00	9.32%	1.29%
STARTS CAYMAN LTD "BLUE GUM AA-"	Floating Rate CDO	23-Jun-08	25-Sep-08	22-Jun-13	94	1,000,000.00	9.24%	2.87%
HELIUM CAPITAL LTD "ESPERANCE AA+"	Floating Rate CDO	20-Jun-08	19-Sep-08	20-Mar-13	91	1,000,000.00	8.92%	2.87%
HOME BUILDING SOCIETY	Floating Rate Sub Debt	25-Apr-08	25-Jul-08	25-Jul-11	91	500,000.00	8.81%	1.44%
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE *	Yield Curve Note	18-Apr-08	18-Jul-08	18-Oct-11	91	500,000.00	0.00%	1.44%
GRANGE SECURITIES "KAKADU AA"	Floating Rate CDO	20-Jun-08	22-Sep-08	20-Mar-14	94	1,000,000.00	8.82%	2.87%
GRANGE SECURITIES "COOLANGATTA AA"	Floating Rate CDO	20-Jun-08	22-Sep-08	20-Sep-14	94	1,000,000.00	9.12%	2.87%
ANZ YIELD CURVE NOTE	Yield Curve Note	17-Apr-08	17-Jul-08	17-Jul-08	91	500,000.00	8.25%	1.44%
TOTAL GRANGE SECURITIES						\$7,862,500.00		22.59%
ABN AMRO MORGANS								
REMBRANDT ISOSCELES SERIES 1	Floating Rate CDO	20-Jun-08	22-Sep-08	20-Sep-09	94	2,000,000.00	9.22%	5.75%
GLOBAL PROTECTED PROPERTY NOTES VII **	Property Linked Note	21-Mar-08	21-Mar-09	17-Sep-11	365	1,000,000.00	0.00%	2.87%
BANK OF QLD FLOATING RATE NOTE	Floating Rate Note	16-Jun-08	16-Sep-08	30-Jun-09	92	1,000,000.00	7.99%	2.87%
TOTAL ABN AMRO MORGANS						\$4,000,000.00		11.49%
ANZ INVESTMENTS								
ECHO FUNDING PTY LTD SERIES 16 "3 PILLARS AA-"	Floating Rate CDO	7-Apr-08	7-Jul-08	6-Apr-10	91	500,000.00	9.03%	1.44%
PRELUDE EUROPE CDO LTD "CREDIT SAIL AAA"	Floating Rate CDO	20-Jun-08	22-Sep-08	30-Dec-11	94	1,000,000.00	9.32%	2.87%
MOTIF FINANCE (IRELAND) PLC	Floating Rate CDO	20-Jun-08	22-Sep-08	1-Jun-17	94	1,017,876.98	4.43%	2.92%
TOTAL ANZ INVESTMENTS						\$2,517,876.98		7.23%
RIM SECURITIES								
HERITAGE BUILDING SOCIETY LTD (2008)	Floating Rate Sub Debt	29-Apr-08	29-Jul-08	29-Jul-13	91	500,000.00	9.50%	1.44%
GENERATOR INCOME NOTE AAA (2011)	Floating Rate CDO	11-Apr-08	11-Jul-08	8-Oct-11	91	2,000,000.00	9.85%	5.75%
ELDERS RURAL BANK (2011)	Floating Rate Sub Debt	7-Apr-08	7-Jul-08	15-Apr-11	91	1,000,000.00	8.52%	2.87%
TOTAL RIM SECURITIES						\$3,500,000.00		10.06%
WESTPAC INVESTMENT BANK								
HOME BUILDING SOCIETY (2010)	Floating Rate Sub Debt	29-Apr-08	29-Jul-08	27-Apr-10	91	500,000.00	8.95%	1.44%
MACKAY PERMANENT BUILDING SOCIETY	Floating Rate Sub Debt	21-May-08	21-Aug-08	20-Nov-11	92	500,000.00	8.77%	1.44%
TOTAL WESTPAC INV. BANK						\$1,000,000.00		2.87%

ORDINARY MEETING – 26 AUGUST 2008

ATTACHMENT 1

LONGREACH CAPITAL MARKETS								
LONGREACH SERIES 16 PROPERTY LINKED NOTE	Property Linked Note	6-Mar-08	5-Sep-08	7-Mar-12	183	500,000.00	6.60%	1.44%
LONGREACH SERIES 19 GLOBAL PROPERTY LINKED NOTE	Property Linked Note	7-Mar-08	6-Sep-08	7-Sep-12	183	500,000.00	6.00%	1.44%
TOTAL LONGREACH CAPITAL						\$1,000,000.00		2.87%
COMMONWEALTH BANK								
PRINCIPAL PROTECTED YIELD ACCRUAL NOTE	Yield Curve Note	06-May-08	06-Aug-08	06-Nov-11	92	500,000.00	9.25%	1.44%
CALLABLE CPI LINKED NOTE	Yield Curve Note	04-Apr-08	04-Jul-08	04-Apr-12	91	500,000.00	1.00%	1.44%
EQUITY LINKED DEPOSIT	Equity Linked Note	03-Aug-07	05-Aug-08	20-Sep-11	368	500,000.00	8.25%	1.44%
EQUITY LINKED DEPOSIT GI100	Equity Linked Note	23-Jun-08	23-Sep-08	03-Aug-10	92	500,000.00	3.00%	1.44%
EQUITY LINKED DEPOSIT ELN SERIES 2	Equity Linked Note	04-May-08	04-Aug-08	05-Nov-12	92	500,000.00	3.00%	1.44%
BENDIGO BANK SUBORDINATED DEBT	Floating Rate Sub Debt	09-May-08	08-Aug-08	09-Nov-12	91	500,000.00	9.49%	1.44%
TOTAL COMMONWEALTH BANK						\$3,000,000.00		8.62%
FIGG SECURITIES								
CREDIT SUISSE PRINCIPAL PROTECTED NOTE	Principal Protected Note	20-Jun-08	19-Sep-08	21-Jun-10	91	1,000,000.00	0.00%	2.87%
AQUADUCT AA-	Principal Protected Note	31-May-08	29-Aug-08	30-Nov-14	90	500,000.00	8.79%	1.44%
TELSTRA LINKED DEPOSIT NOTE	Term Deposit	23-Jun-08	23-Jul-08	23-Jul-08	30	3,000,000.00	8.13%	8.62%
TOTAL FIGG SECURITIES						\$4,500,000.00		12.93%
MAITLAND MUTUAL								
	Floating Rate Sub Debt	16-Apr-08	16-Jul-08	31-Dec-09	91	500,000.00	8.84%	1.44%
	Term Deposit	27-May-08	25-Aug-08	25-Aug-08	90	526,881.44	8.19%	1.51%
	Floating Rate Sub Debt	11-Jun-08	11-Sep-08	30-Jun-09	92	500,000.00	8.90%	1.44%
TOTAL M'LAND MUTUAL						\$1,526,881.44		4.39%
TOTAL INVESTMENTS						\$28,907,258.42		83.05%
AVERAGE RATE OF RETURN ON INVESTMENTS							7.58%	
CASH AT BANK						\$5,898,961.30	7.20%	16.95%
AVERAGE RATE OF RETURN ON INVESTMENTS + CASH							7.51%	
TOTAL CASH & INVESTMENTS						\$34,806,219.72		100.00%
BBSW FOR PREVIOUS 3 MONTHS							7.80%	

ATTACHMENT 1

Investment	Int Rate	Reason
DEUTSCHE BANK CAPITAL GUARANTEED YIELD CURVE NOTE	0.00%	Investment is paying a 0.00% return due to capital protection calculations.
GLOBAL PROTECTED PROPERTY NOTES VII	0.00%	Investment is paying a 0.00% return due to capital protection calculations.
MOTIF FINANCE (IRELAND) PLC	4.43%	Lower interest rate due to the purchase of a capital protection note that is linked to this investment
CALLABLE CPI LINKED NOTE	1.00%	Investment is paying a lower than expected return due to the higher inflation figures
EQUITY LINKED DEPOSIT GI100	3.00%	Lower return due to the downturn in the Australian Stock market. Investment return is linked to a bundle of shares
EQUITY LINKED DEPOSIT ELN SERIES 2	3.00%	Lower return due to the downturn in the Australian Stock market. Investment return is linked to a bundle of shares
CREDIT SUISSE PRINCIPAL PROTECTED NOTE AQUADUCT AA-	0.00%	Investment is paying a 0.00% return due to capital protection calculations.

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

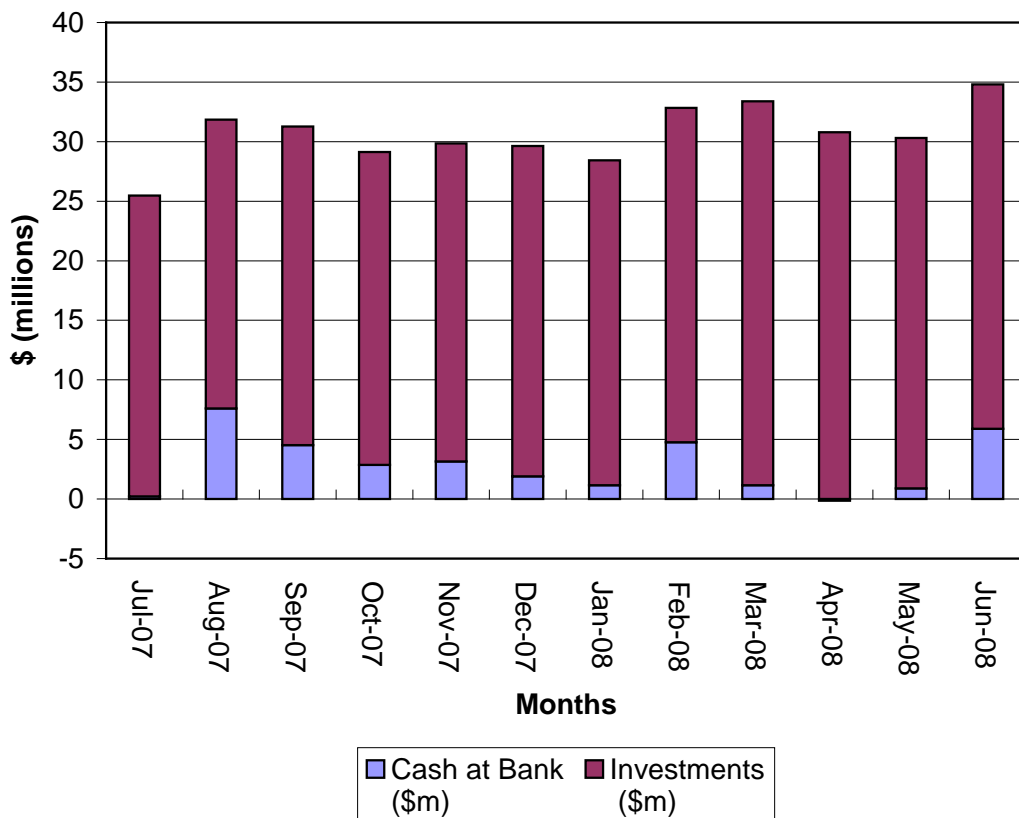
I, Peter Gesling, being the Responsible Accounting Officer of Council, hereby certify that the Investments have been made in accordance with the Local Government Act 1993, the Regulations and Council's investment policy.

ATTACHMENT 2

Cash and Investments Held

Date	Cash at Bank (\$m)	Investments (\$m)	Total Funds (\$m)
Jul-07	0.230	25.237	25.467
Aug-07	7.612	24.236	31.848
Sep-07	4.531	26.737	31.268
Oct-07	2.855	26.268	29.123
Nov-07	3.148	26.713	29.860
Dec-07	1.911	27.731	29.641
Jan-08	1.163	27.262	28.424
Feb-08	4.760	28.085	32.844
Mar-08	1.162	32.230	33.392
Apr-08	0.146	30.783	30.637
May-08	0.889	29.407	30.296
Jun-08	5.899	28.907	34.806

Cash and Invested Funds for the Period ended 30/6/2008



INFORMATION ITEM NO. 3

**PETITION – DO YOU WANT TO SAVE OUR FAMILY HISTORY
CENTRE?**

**REPORT OF: PETER GESLING, GENERAL MANAGER
FILE: PSC2008-4118**

BACKGROUND

The purpose of this report is to advise Council of a petition that has been received with approximately 115 signatures. The petition states:

“We, the undersigned, request the Port Stephens Council not pursue the sale of the current Community Centre (the old Lemon Tree Passage School) to fund the purchase of the Tilligerry Plaza building.

The Port Stephens Family History Society Inc has been in existence in the Lemon Tree Passage School Community Centre since 1986. Over the years members have accumulated and maintained a wide range of rare resource material. We have grave doubts about the security and quality of access to our resources if moved to the open-plan situation currently being recommended.”

INFORMATION ITEM NO. 4

INSURANCE RENEWALS 2008 - 2009

**REPORT OF: JEFF SMITH - FINANCIAL SERVICES MANAGER
FILE: PSC2008-0437**

BACKGROUND

The purpose of this report is to advise Council of the result of the annual insurance renewal process for the 2008 – 2009 policy period.

The majority of Council's insurance policies expire on 30 June each year. Prior to expiry Council, in consultation with our insurance brokers, undertakes a comprehensive review of Council's insurance requirements for the coming term. This review involves assessing the adequacy of policy coverage, sums insured, limits and sub limits of policies and uninsured risks.

Placement of policies for the 2008 – 2009 insurance period has been completed and the following table provides a summary of costs/premium comparison excluding GST:

Insurance Policy	Actual 2007–2008 \$	Actual 2008–2009 \$	Actual Variance \$	Budget 2008–2009 \$	Actual Variance to Budget
Public Liability/Professional Indemnity	818,850	847,500	28,650	900,735	(53,235)
Property	336,044	429,169	93,125	387,014	42,155
Motor Vehicle	171,740	171,740	-	199,025	(27,285)
Marine Hull	2,027	2,027	-	2,230	(203)
Fidelity Guarantee	2,577	2,710	133	2,835	(125)
Casual Hirers' Liability	2,550	2,680	130	2,805	(125)
Pool Lessees Liability	52,884	40,500	(12,384)	58,172	(17,672)
Personal Accident	2,200	2,310	110	2,420	(110)
Councillors' & Officers Liability	28,402	28,291	(111)	31,242	(2,951)
Business Practices Protection	8,400	8,400	-	9,240	(840)
TOTAL	\$1,425,674	\$1,535,327	\$109,653	\$1,595,718	\$(60,391)

Please note that, as in the past, the Motor Vehicle and Property premiums/contributions are adjustable at expiry based on actual vehicle numbers and asset values.

An additional adjustment premium for Property insurance of \$1,788.83 is not included in the table above. This additional premium is levied due to the increase of \$2,194,886 in the value of Council's Asset Schedule since last renewal. The increase is partly a result of a desktop

ORDINARY MEETING – 26 AUGUST 2008

update in September 2007 of the professional valuations of all Council owned buildings in September 2005. Council will receive a total rebate of \$15,698.12 for Fund Year 7 (2004 – 2005) that more than negates the adjustment premium.

The actual Property premium has increased by approximately 10% for all Statewide Property Mutual scheme members due to an increase in reinsurance costs however there have also been a number of beneficial amendments to sub limits.

No adjustment premium is due for Motor Vehicle this year as the total number of units insured hasn't changed since last renewal. The actual premium has remained stable largely due to Council's proactive fleet management strategies. This year will be the seventh year straight where no increase in the per unit rate has been levied.

Council's Motor Vehicle policy will again be subject to a 50/70 Claims Experience Discount (CED), subject to a maximum rebate of 10% of the premium. This means that if Council's claims experience does not exceed 50% of 70% of the premium, Council will be rewarded with a rebate.

Terms for Public Liability/Professional Indemnity insurance and Fidelity Guarantee insurance listed above are as previously advised by Statewide Mutual in March 2008. A bonus distribution of \$1,149.94 for the 2006/2007 fund year has been applied to the Fidelity Guarantee premium listed above. Public Liability premiums for Pool Lessees have in fact decreased this year.

A surplus of approximately \$61,319.00 is expected in the insurance budget following payment of all premiums.

ATTACHMENTS

- 1) Nil

INFORMATION ITEM NO. 5

**ABORIGINAL STRATEGIC COMMITTEE MEETING WITH WORIMI
LOCAL ABORIGINAL LAND COUNCIL**

REPORT OF: TREVOR ALLEN, INTEGRATED PLANNING MANAGER

FILE: PSC2005-0629

BACKGROUND

The purpose of this report is to present to Council the minutes of the Aboriginal Strategic Committee meeting with Worimi Local Aboriginal Land Council on 12 May 2008.

Key issues considered at the meeting included:

- 1) Soldiers Point Boat Ramp Update
- 2) 2008 Joint Meeting of Aboriginal Strategic Committee and Council
- 3) 2008 Naidoc Week Celebrations

ATTACHMENTS

- 1) Minutes of Aboriginal Strategic Committee meeting with Worimi LALC on 12 May 2008.

ATTACHMENT 1

**ABORIGINAL STRATEGIC COMMITTEE MEETING
WITH WORIMI LOCAL ABORIGINAL LAND COUNCIL
HELD ON THE 12 MAY 2008
AT THE MURROOK CULTURAL & LEISURE CENTRE**

Present:

Andrew Smith	Worimi LALC
Janice MacAskill	Worimi LALC
Val Merrick	Worimi LALC
Cr Ron Swan	PSC
Cr Sally Dover	PSC
Cr Helen Brown	PSC
Paul Procter	PSC
Jason Linnane	PSC
Cliff Johnson	PSC
Amanda Heidke	PSC

Apologies:

Peter Gesling	PSC
Mike Trigar	PSC
John Flannery	PSC
Scott Anson	PSC

Cr Brown chaired and opened the meeting at 1:25pm

1. WELCOME TO COUNTRY

Worimi Elder Val Merrick brought the Traditional 'Welcome to Country'.

2. MINUTES OF PREVIOUS MEETING

Cr Swan moved that the minutes of the previous meeting held on 10 March 2008 be accepted as an accurate record of the meeting. Seconded by Janice MacAskill.

3. BUSINESS ARISING FROM PREVIOUS MINUTES

Item 1: Proposed State Government Reforms - Development Application Processes:

WLALC CEO advised that he hasn't received a copy of Council's submission to the State Government on the proposed planning reforms.

Action:	1. Council's Social Planning Co-ordinator will organise for a copy of Council's submission to be forwarded to WLALC for their information.
---------	--

Item 2: Middens at Birubi Headland

Council's Recreation Services Manager advised that NPWS has recently experienced significant personnel changes which has delayed work whilst new personnel fully familiarise themselves with this project. Council is eager to see work commence (e.g.; sealing of car park) but wants to wait until the work to protect the midden has been completed. Council has increased its contribution to these works by \$10,000 making Council's total financial contribution totalling \$30,000.

Item 3: Soldiers Point Boatramp Improvements

Council's Recreation Services Manager indicated that it is hoped that Stage 1 (*i.e.*; *Reconstruction of Boat ramp*) will be completed by the end of this year with the work predominantly being carried out throughout winter. The Development Application for this work is to be lodged soon. He will forward a copy of the engineering plans to WLALC CEO for comment prior to being finalised.

WLALC CEO asked that a support letter from the Aboriginal Strategic Committee be sent to DECC supporting the protection of the middens on this site and that the application form submitted to DECC by WLALC for this site as a nominated 'Aboriginal Place' be processed as soon as possible.

In relation to the proposed future works (e.g; Revetment & Rock Groyne), Council's Recreation Services Manager indicated that the future advancement of these works will be subject to funding being secured.

Actions:	<ol style="list-style-type: none">1. Council's Recreation Services Manager will forward a copy of the engineering plans for the proposed reconstruction of the boat ramp to WLALC CEO for comment.2. Council's Social Planning Co-ordinator will organise for a letter to be sent to DECC on behalf of the Aboriginal Strategic Committee supporting the protection of the middens at Soldiers Point, and request that the processing of WLALC application form submitted to DECC by WLALC for this site as a nominated 'Aboriginal Place' be completed as soon as possible.
----------	---

Item 4: Aboriginal Project Fund

WLALC CEO advised that the training component of the 'Gabirr Gumba Project' which they have recently received funding under Council's Aboriginal Project Fund will be delayed briefly whilst other priorities are advanced.

In regards to the projects recently funded under the most recent funding round and last year, The ASC has asked that the recipients of the funding be requested to attend the next meeting of the ASC with WLALC on 11 August 2008 to report on the acquittal expenditure of their grants and the outcomes achieved to date. Council's Social Planning Co-ordinator mentioned that they would make this a standing agenda item.

Actions:	<ol style="list-style-type: none">1. Council's Social Planning Co-ordinator will invite recipients of funding under the last two funding rounds to attend the ASC meeting on 11 August 2008 to report on the expenditure of their grants and the outcomes achieved to date.2. Council's Social Planning Co-ordinator will amend the Committee's agenda template to include the 'Aboriginal Project Fund' as a standard agenda item.
----------	--

3. REVIEW OF ABORIGINAL STRATEGIC COMMITTEE CONSTITUTION SCHEDULE

Copies of the Constitution were tabled for review and discussed. It was suggested that ASC could invite other local Aboriginal service providers to confirm what specialised services they offer, and to invite them to (where required), write to the ASC on any issues of concern that they may have with the possibility of making a brief presentation to the ASC.

ORDINARY MEETING – 26 AUGUST 2008

It was also agreed that the following deletion be made: -

- Delete the inclusion of representatives of the Mindarriba LALC under Item 7. The ASC support the deletion of Mindarriba on the basis that their land boundary only covers a nominal area inside the western boundary of Port Stephens. The ASC recommend that a letter be sent to Mindarriba on behalf of the ASC to inform them that if they have any issues they would like to have addressed by the ASC, simply put the issues in writing and where required, make request to come along and address the ASC in person.

The ASC will complete the review of the Constitution Schedule at next meeting on 11 August 2008 before being presented to Council for consideration and adoption.

Action:	<ol style="list-style-type: none">1. Council's Social Planning Co-ordinator to prepare a list of local organisations which provide specialised services to the Aboriginal community in Port Stephens.2. Council's Social Planning Co-ordinator will write to suppliers of specialised services to the Aboriginal community inviting them to (where required), write to the ASC on any issues of concern that they may have with the option (where appropriate) of making a brief presentation to the ASC.3. Council's Social Planning Co-ordinator write to Mindarriba on behalf of the ASC to inform them that if they are welcome to write at any time to the ASC with any issues they would like to raise either in writing or in person at a meeting.
---------	---

4. GENERAL BUSINESS

4.1 Potential Aboriginal Employment Initiative

WLALC CEO indicated that a number of WLALC members have and are continuing to gain skills and experience in a range of different areas such as fencing. He suggested that Council give consideration in reviewing its current procurement processes to identify any opportunities which may exist in specifying (where relevant) in Terms and Conditions that preference be given to suppliers (i.e.; contractors) who are willing to take on local Aboriginal members as Trainees.

Action:	1. Council's Social Planning Co-ordinator will meet with Council's Resources Manager, and Procurement & Contracts Co-ordinator to discuss.
---------	--

4.2 Declaration of Conflict of Interest

It was suggested and supported unanimously by the ASC that the agenda template be amended to include "Declaration of Conflict of Interest" as a standard agenda item.

Action:	1. Council's Social Planning Co-ordinator to amend agenda template to include "Declaration of Conflict of Interest" as a standard agenda item.
---------	--

4.3 Future Assistance towards Purchase of a Boat

WLALC CEO stated that some of the Islands within the Worimi Land area are being abused and WLALC currently has no way of being able to adequately monitor and/or protect these areas without the use of watercraft. They have asked that Council consider any form of assistance that may be available to assist them in the possible future joint purchase of a boat which could be used by WLALC and Council Officers (e.g.; Rangers) where required.

4.4 Joint ASC Meeting

Council's Social Planning Co-ordinator confirmed that Kelvin Kong will be this year's guest speaker at the meeting on 15 July 2008 at Council.

4.5 Update NAIDOC Week 2008

WLALC CEO advised that planning for this year's event is going well with three meetings being held with key stakeholders to date. This year's event will essentially be the same as last year's event, but possibly on a slightly smaller scale due to available resources. This year's event will be held on Sunday 13 July 2008 with minor changes to the program including holding the breakfast at the conclusion of the street march down William Street rather than the prior to the march. The new rotunda in Riverside Park will be used as the main event stage. Entertainment is still being sourced with a focus being placed on utilising local performers. Letters have been sent to schools inviting their involvement through poster competitions etc.

4.6 Council's Holiday Parks

WLALC CEO commended the efforts of Council's Holiday Parks staff in disseminating to users (where appropriate) copies of the cultural awareness letter provided by WLALC.

5. NEXT MEETING

The next meeting will be the joint meeting with Council on 15 July 2008 at Council's Administration Building, Raymond Terrace commencing at 5:30pm.

The next ordinary meeting of the ASC will be held on 11 August 2008 at 1:00pm at Murrook.

Meeting closed at 3.15pm.

INFORMATION ITEM NO. 6

ACCESS COMMITTEE MINUTES

REPORT OF: TREVOR ALLEN, INTEGRATED PLANNING MANAGER

FILE: A2004-0226

BACKGROUND

The purpose of this report is to present to Council the minutes of the Access Committee meeting held on 1 July 2008.

Key issues addressed at the meeting included: -

- 1) Amendments to Constitution Schedule Endorsed
- 2) Access Awareness Day Update
- 3) Changes to NSW Road Rules

ATTACHMENTS

- 1) Minutes of the Access Committee meeting held on 1 July 2008.

ATTACHMENT 1

**PORT STEPHENS ACCESS COMMITTEE
MINUTES OF MEETING HELD 1 JULY 2008
AT THE NELSON BAY RSL CLUB**

Present:

Michelle Page, Cr Sally Dover, Amanda Heidke, Kathy Delia, Tony Kean, Liz Harper & Guest, Margaret O’Leary Vanessa Orton

Apologies:

Cr Helen Brown Karen Whiting, Ken Whiting, Joe Delia, Susan Roselia, Judy Roselia, Robert Harper

1. ADOPTION OF PREVIOUS MINUTES

Council’s Community Planner - Ageing & Disability welcomed members of the Committee. The minutes of the meeting held on the 2 June 2008 were adopted as an accurate record of that meeting.

2. MATTERS ARISING FROM PREVIOUS MINUTES

2.1 Proposed Annual Access Awards

Discussion deferred until next meeting.

2.2 Access Provisions - Raymond Terrace Food Outlet

Council’s Community Planner - Ageing and Disability has followed up this matter and subsequently reported that an independent access audit has been carried out on the premises and it complies with the minimum standard requirements. That said Committee members felt that some people with mobility impairments may experience some degree of difficulty in opening the entry doors despite the compliance with the Australian Standards.

ACTION	1. Council’s Community Planner - Ageing & Disability will forward a letter to these premises encouraging consideration is given in the future to installing automatic opening doors to assist with access.
--------	--

2.3 Disabled Parking Facilities at Nelson Bay Club

Pleased to report that recent discussions between Council’s Community Planner - Ageing & Disability and the Club’s Manager have resulted in works being undertaken by the Club to address the access concerns raised by the Committee including: -

- Construction of continual pathway from car park to front entry
- Installation of bollards and garden area to enhance disabled parking provisions.

ACTION	1. Council's Community Planner - Ageing & Disability will forward a letter of thanks to the Club's Manager.
--------	---

3. COUNCIL'S COMMUNITY PLANNER – AGEING & DISABILITY UPDATE

3.1 Amendments to Constitution Schedule

Council has given unanimous support to the proposed amendments to the Committee's Constitution Schedule relating to universal access as previously discussed.

3.2 Access Awareness Day

The day is designed to highlight access difficulties by allowing other members of the community to experience them first hand. A focus this year will be placed on encouraging the participation of Councillors and relevant Council Officers. It was decided to formulate ideas for the day at the October Access Committee meeting.

3.3 Changes to NSW Road Rules

A number of changes in the NSW RTA road rules come into effect as of 1 July 2008. Among the changes is Mobility Parking Permit holders are now allowed to stop for up to 5 minutes (previously two minutes) to pick up or set down passengers in a no parking zone. All other drivers can remain for two minutes only. Failure of drivers to comply with these new laws will result in the following fines being issued: -

- \$81 fine. Loss of two demerit points and a \$135 fine if within a school zone.

For full set of changes you can visit WWW.RTA.NSW.GOV.AU/ROADRULES

3.4 Recruitment of Service Providers

In previous years the Access Committee has had a number of service providers as members but over time the numbers have declined. Council's Community Planner - Ageing and Disability will be sending letters of invitation to service providers inviting them to attend our next scheduled meeting **5^h August 2008** in an effort to increase our membership.

4. GENERAL BUSINESS

4.1 Disabled Parking Provisions at a Major Retail Centre on the Tomaree Peninsula

ORDINARY MEETING – 26 AUGUST 2008

Council's Community Planner - Ageing and Disability has followed up the conditions of consent specified within the Development Application approval for this shopping centre. She found that the extensions to the centre included the provision of an additional 440 parking spaces and 14 dedicated disability spaces which is in line with the specified requirements. In total the centre has approximately 1,000 parking spaces of which 14 are dedicated for disabled parking. It was also noted that the parking spaces dedicated for pram users which are provided as a courtesy, may be also be used for disabled parking.

ACTIONS	<ol style="list-style-type: none">1. Occupational Therapist students from the Nelson Bay Community Health Centre will assess current access provisions at the Centre and will prepare a report on the outcomes to Council's Community Planner - Ageing and Disability.2. Council's Community Planner - Ageing & Disability will forward a letter to the Management of the shopping centre encouraging consideration be given to the provision of additional disability parking spaces including some all weather spaces if possible.
---------	---

4.2 Farewell to Long-Term Committee Member

Council's Community Planner – Ageing & Disability informed the Committee that a long standing member of the Committee (i.e.; 7 years) have announced their departure from the Committee due to health reasons. The Committee unanimously agreed to send her flowers as a thank you for her valued contribution to the Access Committee along with a Certificate of Appreciation from the Committee. Council's Community Planner - Ageing and Disability advised that she would also nominate this person for a Community Award in recognition of their service.

5. DETAILS OF NEXT MEETING

The next meeting will be the joint meeting with Port Stephens Council on Tuesday 29 July 2008 at 5:30pm at Council's Administration Building located at 116 Adelaide St, Raymond Terrace.

The next ordinary meeting of the Access Committee will be held on 5 August 2008 at 10.30am at Raymond Terrace Bowling Club.

Meeting closed at 11:35am

INFORMATION ITEM NO. 7

**DETERMINED AND UNDETERMINED DEVELOPMENT
APPLICATIONS**

**REPORT OF: SCOTT ANSON – MANAGER, DEVELOPMENT & BUILDING
FILE: PSC2007-3153**

BACKGROUND

The purpose of this report is to provide Councillors with information on determined and undetermined development applications currently with Council, at the request of Cr Tucker.

Undetermined development applications greater than 365 days are not included in this report, given that generally there has been no action by the applicant in response to Council requests for additional information and/or these applications may be held in abeyance subject to strategic landuse processes. All these applications are now subject to Council's adopted Application Determination Policy that provides a clear framework to enable such determination.

Days in Council also do not include "Stop the Clock" days. "Stop the Clock" indicates that Council is waiting on further information from the applicant. Further summary information is also provided to Council quarterly through the Performance Measurement Report on "Cockpit Charts".

Reference is made to the Supplementary Information provided on 24 June 2008 regarding the inclusion of additional information and a report of development applications determined in the preceding month.

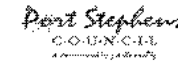
The reports are accurate as of the date of generation, but not as of the date of publication of the Business Paper. If more up-to-date information is required, it is available on Council's DA Tracker.

The number of undetermined Development Applications greater than 365 days is 39.

ATTACHMENTS

- 1) Report on Undetermined Development Applications
- 2) Report on Determined Development Applications

**ATTACHMENT 1
UNDETERMINED APPLICATIONS**



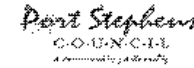
AUTHORITY

**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status
16-2008-587-1	Vennell	Screened Enclosure	28 Salamander PL RAYMOND TERRACE	30/07/2008	2 31/07/2008 Referral - Building
16-2008-588-1	Abliat Pty Ltd	Industrial Development - Office Extension	5 McIntyre RD TOMAGO	30/07/2008	2 31/07/2008 Admin Distribution
16-2008-589-1	Wells	Two Storey Dwelling	14 Oakmont AVE MEDOWIE	30/07/2008	2 31/07/2008 Referral - Building
16-2008-590-1	Sorensen Design	Addition to Deck	6 Hardy ST NELSON BAY	30/07/2008	2 31/07/2008 Admin Distribution
16-2008-583-1	Macquarie Leisure Operation Ltd T/As D'Albora Mari	Shop Fitout for a Convenience Store/Cafe	8 Teramby RD NELSON BAY	29/07/2008	3
16-2008-584-1	Fellows	Swimming Pool	214 Cabbage Tree RD WILLIAMTOWN	29/07/2008	3 30/07/2008 Referral - Building
16-2008-585-1	Winder	Cattle Mound	31 Nobles RD NELSONS PLAINS	29/07/2008	3 31/07/2008 Further Information Required
16-2008-586-1	Tye	Addition to Dwelling (Garage,Deck,New Roof)	4 Upton ST SOLDIERS POINT	29/07/2008	3 30/07/2008 Referral - Building
16-2008-580-1	O'Donoghue	Addition to Dwelling (Sunroom) and Carport	33 Rosemount DR RAYMOND TERRACE	28/07/2008	4 29/07/2008 Referral - Building
16-2008-581-1	Kayser	Storage Shed	47 Kirrang DR MEDOWIE	28/07/2008	4 29/07/2008 Referral - Building
16-2008-582-1	Spanline Port Stephens	Screened Enclosure	82 Tomaree RD SHOAL BAY	28/07/2008	4 31/07/2008 Preparation of Correspondence
16-2008-587-2	Valley Homes	S.96 Amendment	40 Armidale AVE NELSON BAY	25/07/2008	7 28/07/2008 Application Information Check
16-2008-576-1	Owen	New Roof on existing Dwelling	15 Paroa AVE LEMON TREE PASSAGE	25/07/2008	7 28/07/2008 Referral - Building
16-2008-577-1	Rawson Homes Pty Limited	Single Storey Dwelling	4 Echo PL ONE MILE	25/07/2008	7 29/07/2008 Further Information Required
16-2008-578-1	Mckenna	Garage (demolish existing garage)	16 Brush Box AVE MEDOWIE	25/07/2008	7 28/07/2008 Referral - Building

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY

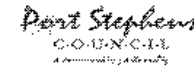


**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status
16-2008-579-1	Antcliff	Change of Use - (extend Doctor's Surgery into Chemist Shop)	125 Gan Gan RD ANNA BAY	25/07/2008	7 31/07/2008 Referral - Planning
16-2007-1117-2	Port Stephens Veterans & Citizens Aged Care Ltd	Workshop	60 Diemars RD SALAMANDER BAY	24/07/2008	8 25/07/2008 Application Information Check
16-2008-570-1	Dewhurst	Relocation of Existing Commercial Premises (Display & Sale of Boats)	2316 Pacific HWY HEATHERBRAE	24/07/2008	8 31/07/2008 Admin Distribution
16-2008-571-1	Cecilia Folkes Building Design	Addition to Two Storey Dwelling (Deck & Garage)	15 Garuwa ST FINGAL BAY	24/07/2008	8 25/07/2008 Referral - Building
16-2008-572-1	Clarke	Single Storey Dwelling	68 Pershing PL TANILBA BAY	24/07/2008	8 29/07/2008 Preparation of Correspondence
16-2008-573-1	Tonks	Single Storey Dwelling	7 Bellmount CL ANNA BAY	24/07/2008	8 29/07/2008 Further Information Required
16-2008-574-1	Port Stephens Council	Relocate Works Depot & Nursery & Install Floodlights for Netball Court	36 Ferodale RD MEDOWIE	24/07/2008	8
16-2008-575-1	West Tilligerry Tidy Towns & Landcare Committee	Foreshore Stabilisation and Littoral Rehabilitation	1A Peace PDE TANILBA BAY	24/07/2008	8
16-2006-676-2	Valley Homes	Dual Occupancy (attached) & Two (2) Lot Subdivision - Residential - TT	19 Seagrass CCT CORLETTE	23/07/2008	9 31/07/2008 Referral - Planning
16-2008-568-1	Young	Second Storey Addition to Dwelling	11 Holms PL ANNA BAY	23/07/2008	9 24/07/2008 Referral - Building
16-2008-569-1	Hains	Second Storey Addition to Dwelling	14 Seabreeze CL ANNA BAY	23/07/2008	9 28/07/2008 Further Information Required
7-1994-1901-2	McDonald's Properties (Aust) Pty Limited	McDonalds Restaurant	1 Town Centre CCT SALAMANDER BAY	22/07/2008	10 23/07/2008 Admin Distribution
16-2005-627-2	Richmond & Ross Pty Ltd	Extension to McDonald's Restaurant	2 Hank ST HEATHERBRAE	22/07/2008	10

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY

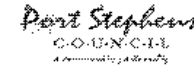


**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status		
16-2006-730-2	Northrop Engineers	Industrial Development - Four (4) Buildings (Demolish Existing)	513 Tomago RD TOMAGO	22/07/2008	10		
16-2007-704-2	Collings	Alterations & Additions to Dwelling, Swimming Pool & Spa	199 Soldiers Point RD SALAMANDER BAY	22/07/2008	10	30/07/2008	Checking & Signing
16-2008-565-1	Stergakis	Garage	29 Paperbark CRT FERN BAY	22/07/2008	10	23/07/2008	Referral - Building
16-2008-567-1	Lancaster Lancaster	Single Storey Dwelling	757 Hinton RD OSTERLEY	22/07/2008	10	28/07/2008	Checking & Signing
16-2008-562-1	O'Doherty	Addition to Dwelling	4 Abel PL ANNA BAY	21/07/2008	11		
16-2008-563-1	Ozkit Homes	Single Dwelling Elevated (demolish existing dwelling)	10 Leonard AVE SHOAL BAY	21/07/2008	11	22/07/2008	Referral - Building
16-2008-564-1	Smith	Addition to Dwelling	235 Cabbage Tree RD WILLIAMTOWN	21/07/2008	11	22/07/2008	Referral - Building
16-2008-557-1	Burdekin	Single Storey Dwelling	15 Trumpeter COT CORLETTE	18/07/2008	14	21/07/2008	Referral - Building
16-2008-559-1	Luxford	Addition to Dwelling	21 Vardon RD FERN BAY	18/07/2008	14	29/07/2008	Further Information Required
16-2008-560-1	Port Stephens Council	Carpport Addition & Extension to Ngioka Centre	12 Dixon DR NELSON BAY	18/07/2008	14	25/07/2008	Referral - Planning
16-2008-561-1	Spanline Port Stephens	Patio Cover	35 Federation DR MEDOWIE	18/07/2008	14	21/07/2008	Referral - Building
16-2008-551-1	Mathieson	Patio Cover	8 Woodlands PL RAYMOND TERRACE	17/07/2008	15	18/07/2008	Referral - Building
16-2008-553-1	Venticinque	Land Fill	34 Camfield DR HEATHERBRAE	17/07/2008	15	29/07/2008	Further Information Required
16-2008-554-1	Hill Top Planners	Eight (8) Lot Subdivision - Rural - TT	9 Sanctuary PL WALLALONG	17/07/2008	15	28/07/2008	Ext Ref - NSW RFS
16-2008-555-1	Bailey	Patio Roof & Deck Addition	32 Henning RD RAYMOND TERRACE	17/07/2008	15	21/07/2008	Referral - Building

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY



**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status
16-2008-556-1	Gilliver-Smith	Additions & Alterations to Existing Two Storey Dwelling	31 Vista AVE SOLDIERS POINT	17/07/2008	15 18/07/2008 Referral - Building
16-2008-550-1	Driver	Addition to Caravan Park	88 Holdom RD KARUAH	16/07/2008	16 24/07/2008 Further Information Required
7-1998-331-8	Designbilt Developments Pty Ltd	Retirement Village	58 William ST RAYMOND TERRACE	15/07/2008	17 16/07/2008 Further Information Required
16-2008-547-1	Wallace	Two Storey Dwelling	41 Gould DR LEMON TREE PASSAGE	15/07/2008	17 29/07/2008 Further Information Required
16-2008-548-1	Smith	Home Employment (Hair Dressing Salon)	14 Shoal Bay RD NELSON BAY	15/07/2008	17 18/07/2008 Referral - Planning
16-2008-549-1	Heath	Addition to Dwelling	55 Caswell CR TANILBA BAY	15/07/2008	17 16/07/2008 Referral - Building
16-2008-543-1	Mcgann	Single Storey Dwelling	56 Kerrigan ST NELSON BAY	14/07/2008	18 15/07/2008 Referral - Building
16-2008-544-1	Milner	Patio Cover	125 Dawson RD RAYMOND TERRACE	14/07/2008	18 15/07/2008 Referral - Building
16-2008-545-1	Moule	Change of Use - Commercial Shop	40 William ST RAYMOND TERRACE	14/07/2008	18 16/07/2008 Referral - Planning
16-1998-1221-2	G K Lindsay Development & Building Consultant	Light Industrial Shed	28 Old Punt RD TOMAGO	11/07/2008	21 18/07/2008 Referral - Planning
16-2008-537-1	Gage	Addition to Dwelling	20 Cromarty RD SOLDIERS POINT	11/07/2008	21 17/07/2008 Preparation of Correspondence
16-2008-539-1	Pace	Dual Occupancy (one dwelling existing) - Temporary Use for Granny Flat	7 The Maindeck CORLETTE	11/07/2008	21 23/07/2008 Further Information Required
16-2008-540-1	Permanent Trustee Australia Ltd	New Kiosk in food court	2 Town Centre CCT SALAMANDER BAY	11/07/2008	21 16/07/2008 Referred to Minor Assess Team
16-2008-542-1	Richards	Addition & Alteration to Dwelling & Garage	10 Mitchell ST SOLDIERS POINT	11/07/2008	21 18/07/2008 Further Information Required
16-2008-536-1	O'Donoghue O'Donoghue	Two Storey Dwelling	7 Grafton ST NELSON BAY	10/07/2008	22 11/07/2008 Referral - Building

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY

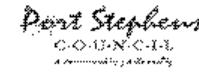


**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status
16-2008-531-1	Kaluski	Single Storey Dwelling	1 Hough ST NELSON BAY	9/07/2008	23 23/07/2008 Referral - Building
16-2008-532-1	C R Hutchison & Co Pty Ltd	Two (2) Lot Strata Subdivision	4 Scott ST ANNA BAY	9/07/2008	23 28/07/2008 Checking & Signing
16-2008-533-1	Huxley Homes Pty Ltd	Two Storey Dwelling	9 Pinehurst WAY MEDOWIE	9/07/2008	23 10/07/2008 Referral - Building
16-2008-534-1	Zeng	Shop Fitting (Shop 21C - Acupuncture & Massage Clinic)	2 Town Centre CCT SALAMANDER BAY	9/07/2008	23 31/07/2008 Preparation of Correspondence
16-2008-535-1	Paul Le Mottee Project Management	Two (2) Lot TT Subdivision	9 Karwin RD MEDOWIE	9/07/2008	23 31/07/2008 Admin Distribution
16-2008-528-1	Rumble	Deck	6 Tareebin RD NELSON BAY	8/07/2008	24 31/07/2008 Preparation of Correspondence
16-2008-529-1	Gouws	Two Storey Dwelling	32 Ironbark DR FERN BAY	8/07/2008	24 9/07/2008 Referral - Building
16-2008-530-1	Port Stephens Council	Subdivision & Consolidation of 23 Lots into 3 Lots	116 Adelaide ST RAYMOND TERRACE	8/07/2008	24 24/07/2008 Further Information Required
16-2008-521-1	Av Jennings Homes	Two Storey Dwelling	12 Tooroong RD FERN BAY	4/07/2008	28 8/07/2008 Referral - Building
16-2008-522-1	Newcastle Quality Constructions	Single Storey Dwelling	2171A Pacific HWY HEATHERBRAE	4/07/2008	28 8/07/2008 Referral - Building
16-2008-523-1	Spanline Port Stephens	Carport and Screened Enclosure	19 Holwell CCT RAYMOND TERRACE	4/07/2008	28 7/07/2008 Referral - Building
16-2008-524-1	Av Jennings Homes	Two Storey Dwelling	9 Rushland DR FERN BAY	4/07/2008	28 Referral - Building
16-2008-525-1	Steve Saunders Creative Building	Single Storey Dwelling & Swimming Pool	8 Echo PL ONE MILE	4/07/2008	28 8/07/2008 Checking & Signing
16-2004-1716-4	Hall	Three Storey Dwelling	2 Pillinda CRT NELSON BAY	3/07/2008	29 8/07/2008 Referral - Building
16-2008-516-1	Whatham	Addition to Single Storey Dwelling	90 Port Stephens DR TAYLORS BEACH	3/07/2008	29 29/07/2008 Preparation of Correspondence

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY

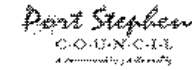


**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposer	Proposal	Property Address	Date Lodged	Days in Council	Current Status
16-2008-518-1	Tri-Steel Industries Pty Ltd	Storage Shed	10 Motto LN HEATHERBRAE	3/07/2008	29	4/07/2008 Referral - Building
16-2008-512-1	Joncevski	Two Storey Dwelling	27 Saratoga AVE CORLETTE	2/07/2008	30	3/07/2008 Referral - Building
16-2008-513-1	Gidaro	Dual Occupancy - Attached	84 The Peninsula CORLETTE	2/07/2008	30	9/07/2008 Further Information Required
16-2008-514-1	Westernhagen	Dual Occupancy (one existing dwelling) & 2 Lot Strata Subdivision	35 Pacific AVE ANNA BAY	2/07/2008	30	31/07/2008 Referral - Planning
16-2008-509-1	DI'S Home Improvements	Addition to Dwelling	17A Vardon RD FERN BAY	1/07/2008	31	2/07/2008 Referral - Building
16-2008-511-1	Murphy	Workshop - Storage Area	509 Tomago RD TOMAGO	1/07/2008	31	24/07/2008 Preparation of Correspondence
16-2008-502-1	Wooten	Two Lot Subdivision - TT	2 Smiths LN RAYMOND TERRACE	30/06/2008	32	8/07/2008 Ext Ref - NSW RFS
16-2008-504-1	Moree Engineering Pty Ltd	Extension to Industrial Building	330 Newline RD RAYMOND TERRACE	30/06/2008	32	7/07/2008 Referral - Planning
16-2008-506-1	Morgan	Commercial Premises (demolish existing)	10 Kangaroo ST RAYMOND TERRACE	30/06/2008	32	30/07/2008 Referral - Planning
16-2008-507-1	Paul Le Mottee Project Management	Two Lot Boundary Adjustment	14A Dixon ST SEAHAM	30/06/2008	32	10/07/2008 Further Information Required
16-2008-508-1	Wood	Single Storey Dwelling	8 Oakmont AVE MEDOWIE	30/06/2008	32	1/07/2008 Referral - Building
16-2008-501-1	Port Stephens Council - Facilities & Services Grou	Deck	98 Shoal Bay RD NELSON BAY	27/06/2008	35	24/07/2008 Referral - Planning
16-2008-499-1	Elliott	Addition to Two Storey Dwelling	9 Robert CR LEMON TREE PASSAGE	26/06/2008	36	30/07/2008 Checking & Signing
16-2008-500-1	O'Connell	Farm Building	2481 Nelson Bay RD SALT ASH	26/06/2008	36	
16-2008-495-1	M J McDougall & Associates	Two (2) Lot TT Subdivision	59 Ocean AVE ANNA BAY	25/06/2008	37	29/07/2008 Checking & Signing

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY

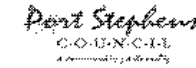


**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status	
16-2008-496-1	M J McDougall & Associates	Two (2) Lot TT Subdivision	82 Lentara ST FINGAL BAY	25/06/2008	37 8/07/2008	Ext Ref - NSW RFS
16-2006-368-4	Harper Somers O'Sullivan Pty Ltd	Extension to Mobile Home Park - Additional 117 Sites	1146 Nelson Bay RD FERN BAY	24/06/2008	38 18/07/2008	Referral - Planning
16-2008-494-1	Nelson Bay Bowling & Recreation Club	Advertising Sign	67 Dowling ST NELSON BAY	24/06/2008	38 26/06/2008	Admin Distribution
16-2008-489-1	Dawson	Garage	64 The Peninsula CORLETTE	23/06/2008	39 29/07/2008	Preparation of Correspondence
16-2008-490-1	Design Design	Shop Fitting - (EB Games)	22 William ST RAYMOND TERRACE	23/06/2008	39 25/07/2008	Referral - Planning
16-2008-491-1	Phillips	Garage and Stables	50 Butterwick RD WOODVILLE	23/06/2008	39 24/06/2008	Referral - Building
16-2002-215-3	Taxiropoulos	6 Residential Units - 3 Shops & 2 Commercial Premises	10 Market ST FINGAL BAY	20/06/2008	42 24/07/2008	Preparation of Correspondence
16-2008-482-1	Paul Le Mottee Project Management	Boundary Re-alignment	68 Lisadell RD MEDOWIE	20/06/2008	42 27/06/2008	Referral - Planning
16-2008-483-1	Ross	Single Storey Dwelling	43 George ST KARUAH	20/06/2008	42 27/06/2008	Further Information Required
16-2008-484-1	Ross	Single Storey Dwelling	45 George ST KARUAH	20/06/2008	42 27/06/2008	Further Information Required
16-2008-478-1	Connaughton	Two Storey Dwelling & Shed	54 Ullora CL NELSON BAY	18/06/2008	44 23/07/2008	Checking & Signing
16-2008-475-1	Longworth	Garage (Variation to Building Line)	30 Rosemount DR RAYMOND TERRACE	17/06/2008	45 19/06/2008	Referral - Building
16-2008-468-1	J R Garner Pty Limited	Swimming Pool	105 Foreshore DR SALAMANDER BAY	16/06/2008	46 23/06/2008	Further Information Required
16-2008-472-1	Johnson	Single Storey Dwelling & Garage (Demolish existing)	24 Bourke ST RAYMOND TERRACE	16/06/2008	46 23/07/2008	Further Information Required
16-2008-464-1	Cox	Fence	48 Lisadell RD MEDOWIE	13/06/2008	49 17/06/2008	Referral - Building

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY



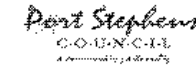
**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status	
16-2008-467-1	Elite Enterprises Australia Pty Ltd	Machinery Shed	73 Seaham RD NELSONS PLAINS	13/06/2008	49 25/06/2008	Further Information Required
16-2008-461-1	Jackson	Garage	1352 Clarence Town RD SEAHAM	12/06/2008	50	
16-2008-462-1	Torren Bell	Deck with Sail Structure	17 Canomii CL NELSON BAY	12/06/2008	50 17/06/2008	Referral - Building
16-2008-449-1	Orman	Retaining Wall	37 Spinnaker WAY CORLETTE	11/06/2008	51 18/06/2008	Referral - Planning
16-2008-450-1	Bannister & Hunter Pty Ltd	Two Lot Subdivision - TT	1117 Nelson Bay RD FERN BAY	11/06/2008	51 23/06/2008	Further Information Required
16-2008-37-2	Tri-Steel Industries Pty Ltd	Garden Shed - Replace existing	3 Sketchley ST RAYMOND TERRACE	10/06/2008	52 24/07/2008	Preparation of Correspondence
16-2008-446-1	Keefe	Garage	2 Pershing PL TANILBA BAY	6/06/2008	56 29/07/2008	Preparation of Correspondence
16-2008-447-1	Stepfner	Advertising Signs for Place of Public Entertainment	1 Oakvale DR SALT ASH	6/06/2008	56 16/06/2008	Referral - Planning
16-2008-445-1	Paul Le Mottee Project Management	Two (2) Lot TT Subdivision	7 Karwin RD MEDOWIE	5/06/2008	57 16/06/2008	Referral - Planning
16-2007-1153-2	Jones	Dual Occupancy Attached. Two (2) Lot Torrens Title Subdivision	86 Irrawang ST RAYMOND TERRACE	4/06/2008	58 11/06/2008	Referral - Planning
16-2008-439-1	Tame	Single Storey Dwelling and Storage Shed	12 Gerill CL WALLALONG	4/06/2008	58 6/06/2008	Referral - Building
16-2008-440-1	Bayside Patios	Carport and replace existing Pergola	228A Sandy Point RD SALAMANDER BAY	4/06/2008	58 30/07/2008	Preparation of Correspondence
16-2003-1650-3	Adw Johnson Pty Ltd	Five (5) Lot Subdivision - S.96 Amendment	33 Elizabeth ST WALLALONG	30/05/2008	63 6/06/2008	Referral - Planning
16-2008-421-1	Kajic	Extension to Existing Commercial Premises	55 Port Stephens ST RAYMOND TERRACE	28/05/2008	65 29/05/2008	Further Information Required
16-2008-424-1	Duncan	Extension to Existing Machinery Shed	9 Eskdale Park DR SEAHAM	28/05/2008	65 29/05/2008	Referral - Building

8

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY



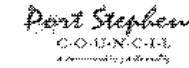
**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status	
16-2008-425-1	Scott	Dual Occupancy - Detached (One Dwelling Existing)	133 Shoal Bay RD NELSON BAY	28/05/2008	65 2/06/2008	Referral - Planning
16-2008-416-1	Shoal Bay Resort & Aqua Spa	Jazz, Wine and Food Festival	130/43 Shoal Bay RD SHOAL BAY	26/05/2008	67 18/06/2008	Referral - Planning
16-2008-399-1	Lemon Tree Passage Bowling Club Co-Operative Ltd	Addition & Alteration to Existing Club	18 Gould DR LEMON TREE PASSAGE	22/05/2008	71 2/06/2008	Referral - Planning
16-2008-400-1	Physick	Two Storey Dwelling	10 Reflections DR ONE MILE	22/05/2008	71	
16-2008-388-1	Paul Le Mottee Project Management	Four (4) Lot Subdivision - TT	364 Six Mile RD EAGLETON	20/05/2008	73 24/07/2008	Preparation of Correspondence
16-2008-389-1	Hill Top Planners	Industrial Development	2228 Pacific HWY HEATHERBRAE	20/05/2008	73 30/06/2008	Referral - Planning
16-2008-382-1	Purdon	Carport and Patio Cover (Variation to Building Line)	6 Grevillea DR MEDOWIE	19/05/2008	74 6/06/2008	Further Information Required
16-2008-385-1	Charlton	Storage Shed	10 Thomas ST RAYMOND TERRACE	19/05/2008	74 30/07/2008	Preparation of Correspondence
16-2008-379-1	Thompson	Garage and Awning	55 Sylvan AVE MEDOWIE	16/05/2008	77 30/07/2008	Preparation of Correspondence
16-2008-380-1	Richmond	Two Storey Dwelling & Garage - Demolish Existing	221 Foreshore DR CORLETTE	16/05/2008	77 26/06/2008	Further Information Required
16-2008-376-1	Diemar	Replacement of Private Slipway	21A Diemars RD SALAMANDER BAY	15/05/2008	78 22/05/2008	Referral - Planning
16-2008-369-1	Young	Temporary Sales Office and Carpark	51 Bagnall Beach RD CORLETTE	14/05/2008	79 22/05/2008	Referral - Planning
16-2008-370-1	Port Stephens Veterans & Citizens Aged Care Ltd	Urban Housing (Three Dwellings)	44 Farm RD FINGAL BAY	14/05/2008	79 31/07/2008	Preparation of Correspondence
16-2008-361-1	Catholic Schools Office	Addition & Alteration to School (new classrooms, upgrade of facilities)	52 Irrawang ST RAYMOND TERRACE	13/05/2008	80 24/07/2008	Further Information Required

9

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY



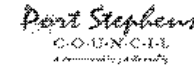
**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status	
16-2008-359-1	Cagda Pty Limited	Shed - Commercial Premises	3443 Nelson Bay RD BOBS FARM	12/05/2008	81 16/07/2008	Referral - Planning
16-2008-351-1	Paul Le Mottee Project Management	Two (2) Lot Subdivision - Rural - TT	12 Kula RD MEDOWIE	9/05/2008	84 3/07/2008	Referral - Environmental Ser
16-2008-348-1	Greg Paton Master Builder	Addition to Dwelling and Bed & Breakfast Establishment	85 James RD MEDOWIE	8/05/2008	85 2/06/2008	Referral - Planning
16-2008-337-1	Wheatley	Urban Housing (3 Dwellings) & 3 Lot Subdivision-ST (Demolish Existing)	16 Tathra ST RAYMOND TERRACE	7/05/2008	86 22/07/2008	Further Information Required
16-2008-345-1	Rowe	Machinery Shed	14 Eskdale Park DR SEAHAM	7/05/2008	86	
16-2003-2105-6	Hill Top Planners	169 Unit Retirement Village & Facilities / Demolish Existing	1143 Nelson Bay RD FERN BAY	6/05/2008	87 9/05/2008	Referral - Planning
16-2008-334-1	Flyash Equipment Pty Ltd	Three (3) Transportable Silos - (Existing Industrial Development)	13 Motto LN HEATHERBRAE	6/05/2008	87 18/07/2008	Referral - Planning
16-2008-331-1	Mewett Plant Pty Ltd	Store Shed to Existing Industrial Development	19 School DR TOMAGO	5/05/2008	88 24/07/2008	Further Information Required
16-2008-332-1	JwPlanning Pty Limited	Advertising Sign	40 Richardson RD RAYMOND TERRACE	5/05/2008	88 27/06/2008	Referral - Planning
16-2008-327-1	Holt	Two Storey Dwelling	20 Gynea Way PRIV NELSON BAY	2/05/2008	91 5/05/2008	Referral - Building
16-2008-303-1	Tattersall Surveyors Pty Ltd	Two Storey Dwelling and Shared Driveway	26 The Parkway MALLABULA	28/04/2008	95 30/04/2008	Referral - Engineer
16-2008-306-1	Resitech	Housing for Seniors/People with a Disability-9 Self Contained Dwelling	125 Watt ST RAYMOND TERRACE	28/04/2008	95 11/07/2008	Further Information Required
16-2008-291-1	Martin	Single Storey Dwelling	20 Nobles RD NELSONS PLAINS	21/04/2008	102	
16-2008-292-1	Malone	Industrial Development	10 William Bailey ST RAYMOND TERRACE	21/04/2008	102 22/05/2008	Referral - Planning

10

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY

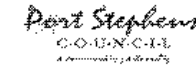


**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status	
16-2008-287-1	Kozary	Road Side Stall	41 Lisadell RD MEDOWIE	18/04/2008	105 9/07/2008	Referral - Planning
16-2008-284-1	Croker	Dual Occupancy - Detached & 2 Lot TT Subdivision (demolish existing)	28 Peace PDE TANILBA BAY	17/04/2008	106 28/07/2008	Further Information Required
16-2008-281-1	Gwh Construction (Nsw) Pty Ltd	Fitout of Existing Warehouse (Lot 6)	6/15 Shearwater DR TAYLORS BEACH	16/04/2008	107 31/07/2008	Preparation of Correspondence
16-2008-272-1	Hill Top Planners	Two Lot Subdivision - TT	56 William ST RAYMOND TERRACE	15/04/2008	108 28/05/2008	Referral - Planning
16-2008-276-1	Retirement Care Australia (Port Stephens Gardens)	Alteration & Addition to Nursing Home	40 Bagnall Beach RD CORLETTE	15/04/2008	108 15/05/2008	Further Information Required
16-2008-263-1	Atb Morton Pty Limited	Industrial Development - Warehouse Extension	13A Old Punt RD TOMAGO	10/04/2008	113 9/07/2008	Referral - Engineer
16-2008-256-1	Tattersall Surveyors Pty Ltd	Oyster Shed	25 Oyster Farm RD LEMON TREE PASSAGE	9/04/2008	114 4/07/2008	Ext Ref - Planning NSW Part 3A
16-2008-244-1	Transition Resort Holdings Pty Limited	Section 68B	1117 Nelson Bay RD FERN BAY	8/04/2008	115 11/04/2008	Referral - Planning
16-2008-245-1	Transition Resort Holdings Pty Limited	256 Lot Community Title Subdivision (Manufactured Home Estate)	1117 Nelson Bay RD FERN BAY	8/04/2008	115 15/04/2008	Referral - Planning
16-2008-246-1	Nelson Focus Pty Ltd	Urban Housing (Three Dwellings) & 3 Lot Strata Subdivision	16 Johnson PDE LEMON TREE PASSAGE	8/04/2008	115 23/04/2008	Further Information Required
16-2008-249-1	Kingstone Homes	Two Storey Dwelling	20 Talavera CL RAYMOND TERRACE	8/04/2008	115 19/05/2008	Further Information Required
16-2008-238-1	Lawson	Carport (Variation to Building Line)	30 Grafton ST NELSON BAY	7/04/2008	116 9/04/2008	Referral - Building
16-2008-234-1	Mcdonald'S Properties (Aust) Pty Limited	Extend trading hours - drive-thru only.	94 Adelaide ST RAYMOND TERRACE	4/04/2008	119 30/07/2008	Preparation of Correspondence

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY

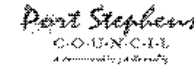


**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status
16-2008-232-1	Lismore Management Services Pty Ltd Renovations to Existing Kiosk and Managers Residence (Holiday Park)	13 Hannah PDE ONE MILE	3/04/2008	120	10/04/2008 Further Information Required
16-2008-223-1	Aimaway Holdings Pty Limited Dual Occupancy - Detached (demolish existing) & 2 Lot Subdivision TT	5 Randall DR SALAMANDER BAY	1/04/2008	122	14/05/2008 Further Information Required
16-2008-216-1	Hydromet Corporation Limited Industrial Development - Warehouse, Lead Battery Recycling Facility	25 School DR TOMAGO	28/03/2008	126	26/05/2008 Further Information Required
16-2008-210-1	Unimin Australia Limited Four (4) Additional Silos to Existing Sand Mining Facility	8 Oakvale DR SALT ASH	27/03/2008	127	31/03/2008 Referral - Planning
16-2008-204-1	Corocher Single Storey Dwelling, Garage and Dam	15 Forest RD DUNS CREEK	26/03/2008	128	20/06/2008 Checking & Signing
16-2008-202-1	Rps Harper Somers O'Sullivan Extension to Existing Commercial Premises & Two Storey Carpark	5 Peppertree RD MEDOWIE	25/03/2008	129	5/05/2008 Further Information Required
16-2008-194-1	Graham Two (2) Lot Subdivision - Industrial - TT	8A Archibald PL HEATHERBRAE	19/03/2008	135	31/03/2008 Referral - Planning
16-2008-182-1	Rawson Homes Pty Limited Dual Occupancy - Detached	57 Sergeant Baker DR CORLETTE	14/03/2008	140	4/04/2008 Further Information Required
16-2008-183-1	O'Leary Dual Occupancy - Detached (one existing)	39 Compass CL SALAMANDER BAY	14/03/2008	140	11/07/2008 Checking & Signing
16-2008-165-1	Commercial Fishermans Co-Op Ltd Fences (2) to existing Wharves	12 Teramby RD NELSON BAY	7/03/2008	147	16/07/2008 Further Information Required
16-2006-284-2	Keighley Dual Occupancy - Detached & Two (2) Lot Subdivision - Residential - TT	6 Victory VIEW TANILBA BAY	29/02/2008	154	7/03/2008 Referral - Planning
16-2008-143-1	Iuliano Home Industry (Concreting Contractor)	5 Bowalla CL WALLALONG	28/02/2008	155	
16-2008-110-1	Williams River Steel Pty Ltd Warehouse & Demolish Existing	1 Archibald PL HEATHERBRAE	15/02/2008	168	2/04/2008 Further Information Required

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY

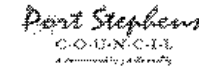


**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status
16-2008-94-1	Hill Top Planners	Five (5) Lot Subdivision - TT	4 Brown ST RAYMOND TERRACE	12/02/2008	171 20/02/2008 Further Information Required
16-2002-345-2	Stanton (Snr)	S.96 Amendment to Jetty	15 Fenninghams Island RD BOBS FARM	8/02/2008	175 7/05/2008 Further Information Required
16-2008-83-1	Simpson	Bridge	1 Mustons RD KARUAH	8/02/2008	175 22/07/2008 Preparation of Correspondence
16-2008-79-1	Medowie Pastoral Pty Ltd	Dual Occupancy - Detached & Two (2) Lot Strata Subdivision	1A Heritage AVE MEDOWIE	6/02/2008	177 24/06/2008 Further Information Required
16-2008-47-1	Malone	Urban Housing - Four Dwellings and Four (4) Lot Subdivision	15 Edstein PL RAYMOND TERRACE	24/01/2008	190 12/03/2008 Further Information Required
16-2008-26-1	Watson	Tourist Facility (Restaurant, Function Room & Car Parking)	3 Koala PL BOAT HARBOUR	16/01/2008	198 28/05/2008 Further Information Required
16-2003-2105-5	Hill Top Planners	169 Unit Retirement Village & Facilities / Demolish Existing	1143 Nelson Bay RD FERN BAY	9/01/2008	205 16/01/2008 Referral - Planning
16-2005-864-3	Hill Top Planners	S.96 Amendment - Conditions 15, 19 and 43	1143 Nelson Bay RD FERN BAY	9/01/2008	205 16/01/2008 Referral - Planning
7-1996-41299-8	Environmental Resources Management Australia Pty L	208 TT Subdivision, Amended to 199 Comm Title Subdivision	20 Seaside BVD FERN BAY	3/01/2008	211 16/01/2008 Referral - Planning
16-2004-687-3	Beaumont Consultant & Unique Home Design	S.96 Amendment - Altered Driveway & Internal & External Changes	38 Lawson ST NELSON BAY	20/12/2007	225 22/01/2008 Further Information Required
16-2007-1141-1	Farley	Four (4) Lot Subdivision (TT) & Boundary Re-alignment	28 Road 607 Off Butterwick UR BUTTERWICK	20/12/2007	225 14/01/2008 Referral - Planning
16-2007-1149-1	Johnson	Patio Cover and Storage Shed	75 South ST MEDOWIE	20/12/2007	225 10/04/2008 Further Information Required
16-2007-1135-1	Avocari Pty Limited	Urban Housing - Alterations & Additions to Existing Five (5) Dwellings	1/68 Government RD NELSON BAY	19/12/2007	226 7/03/2008 Further Information Required
16-2007-1120-1	Lidgard	Addition to Dwelling & Carport	79 James Scott CR LEMON TREE PASSAGE	17/12/2007	228 13/05/2008 Further Information Required

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY

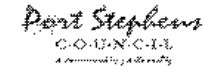


**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status
16-2003-2105-4	Hill Top Planners	169 Unit Retirement Village & Facilities / Demolish Existing	1143 Nelson Bay RD FERN BAY	14/12/2007	231 16/01/2008 Referral - Planning
16-2007-1119-1	Giggins	Urban Housing - 6 Dwellings (one dwelling existing)	204 Meredith CR RAYMOND TERRACE	14/12/2007	231 25/03/2008 Further Information Required
16-2007-1114-1	Atb Morton Pty Limited	Industrial Development	18 Old Punt RD TOMAGO	12/12/2007	233 4/01/2008 Referral - Planning
16-2001-1700-3	Rps Harper Somers O'Sullivan	S.96 Amendment - Road Re-Alignment & Lot Layout Adjustment	78 Port Stephens DR TAYLORS BEACH	11/12/2007	234 6/06/2008 Further Information Required
16-2007-1106-1	Refuse & Recycling Centre	Industrial Shed	360 Soldiers Point RD SALAMANDER BAY	10/12/2007	235 21/01/2008 Further Information Required
16-2007-1085-1	Laverick	Dual Occ (One Dwelling Existing) & Three (3) Lot TT Subdivision (VBL)	10 Freeth ST RAYMOND TERRACE	5/12/2007	240 24/07/2008 Further Information Required
16-2007-1078-1	Hotel Victoria	Alterations & Additions to Existing Hotel	2 Paterson ST HINTON	3/12/2007	242 23/06/2008 Further Information Required
16-2007-1065-1	Buildex Development Nsw (Ra) Pty Ltd	39 Lot Subdivision - Industrial	60 Port Stephens DR TAYLORS BEACH	30/11/2007	245 8/04/2008 Referral - Council Officer
16-2007-1057-1	Everingham Everingham	Three Storey Dwelling	37 Watersleigh AVE MALLABULA	28/11/2007	247 22/05/2008 Further Information Required
16-2007-1037-1	Paul Le Mottee Project Management	15 Lot Subdivision - TT	30 Joseph Sheen DR RAYMOND TERRACE	20/11/2007	255 13/05/2008 Further Information Required
16-2007-989-1	Tattersall Surveyors Pty Ltd	Home Industry, Storage Shed & upgrade to Access Track	727 Seaham RD NELSONS PLAINS	6/11/2007	269 24/07/2008 Checking & Signing
16-2006-214-2	Parson	S.96 Amendment - Tile to Colourbond Roof	30 The Breakwater CORLETTE	30/10/2007	276 2/04/2008 Checking & Signing
16-2007-930-1	Torren Bell	Dual Occupancy - Detached	5 Vista AVE SOLDIERS POINT	19/10/2007	287 30/10/2007 Referral - Planning
16-2007-902-1	Hingston	Two Storey Dual Occupancy (demolish existing) & Two Lot Subdivision	16 Pacific RD FINGAL BAY	12/10/2007	294

ORDINARY MEETING – 26 AUGUST 2008

AUTHORITY



**Undetermined Development Applications (less than 365 days)
as at 31-Jul-2008**

Appln No	Proposal	Property Address	Date Lodged	Days in Council	Current Status	
16-2007-821-1	Smith	Two Lot Subdivision - TT	43 Fairlands RD MALLABULA	18/09/2007	318 30/07/2008	Checking & Signing
16-2007-817-1	Dagg	Land Fill (Cattle Mound)	18 Market ST HINTON	14/09/2007	322 30/07/2008	Checking & Signing
16-2007-813-1	Environmental Resources Management Australia Pty L	Subdivision of Four (4) Existing Lots into Six (6) Lots - C Title	1 Gynea Way PRIV NELSON BAY	13/09/2007	323 30/07/2008	Checking & Signing
16-2007-785-1	Musumeci	Dual Occupancy (One existing dwelling) & Two (2) Lot Subdivision - TT	3 Armidale AVE NELSON BAY	6/09/2007	330 30/07/2008	Checking & Signing
Total Applications		204				

ATTACHMENT 2

REPORT ON DETERMINED DEVELOPMENT APPLICATIONS

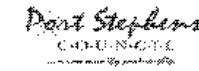
AUTHORITY



Determined Development Applications for the Month of July 2008

Appln No	Applicant	Proposal	Property Address	Date Lodged	Days in Council
16-2008-566-1	Delamothe	Storage Shed	10 Fisher CL SEAHAM	22/07/2008	10
16-2008-558-1	Bowring	Single Storey Dwelling	8 Osprey CCT MEDOWIE	18/07/2008	14
16-2008-552-1	Mathieson	Patio Covers (front & rear)	1 Rosebank DR WALLALONG	17/07/2008	15
16-2008-546-1	Nowlan	Storage Shed	7 Rookes RD SALT ASH	15/07/2008	17
16-2008-538-1	Mason	Garage	10A Wattle ST KARUAH	11/07/2008	21
16-2008-541-1	Rudd	Home Employment (Hair Dressing Salon)	12/5 Mosman PL RAYMOND TERRACE	11/07/2008	21
16-2000-1097-2	Daskalovski	Two Storey Dwelling, Farm Shed & Swimming Pool	13 Sophia Jane DR NELSONS PLAINS	9/07/2008	23
16-2008-255-2	Jennings	Two Storey Dwelling & Swimming Pool (Demolish Existing)	158 Soldiers Point RD SALAMANDER BAY	7/07/2008	25
16-2008-526-1	Ward	Addition to Dwelling	1331 Clarence Town RD SEAHAM	7/07/2008	25
16-2008-527-1	Mckeown	Carport & Patio Cover	59 Tomaree RD SHOAL BAY	7/07/2008	25
16-2008-520-1	Hinchcliffe	Storage Shed	10 Eucalyptus DR ONE MILE	4/07/2008	28
16-2008-519-1	Aldridge	Storage Shed	26 Brandy Hill DR BRANDY HILL	4/07/2008	28
16-2008-517-1	Hill	Alteration to Single Storey Dwelling	3 Blanch ST LEMON TREE PASSAGE	3/07/2008	29
16-2007-681-2	Honeysett	Pergola and Deck	13 Pacific AVE ANNA BAY	3/07/2008	29
16-2008-515-1	Goggin	Garden Shed	23 Whitbread DR LEMON TREE PASSAGE	2/07/2008	30
16-2008-510-1	Paul Le Mottee Project Management	Boundary Adjustment (Consolidation 3 Lots into 2)	4 Emu ST RAYMOND TERRACE	1/07/2008	31

AUTHORITY

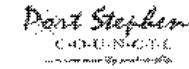


Determined Development Applications for the Month of July 2008

Appln No	Applicant	Proposal	Property Address	Date Lodged	Days in Council
16-2007-1012-2	Dms Survey Pty Ltd	Boundary Re-alignment	67 Gan Gan RD ANNA BAY	1/07/2008	31
16-2008-503-1	Rutty	Carport	116 Rocky Point RD FINGAL BAY	30/06/2008	32
16-2008-505-1	Stefanish	Carport	67 Ullora CL NELSON BAY	30/06/2008	32
16-2008-498-1	Challen	Garage	8 Tea Tree DR MEDOWIE	26/06/2008	36
16-2008-497-1	Ferwick	Addition to Dwelling	44 Ryan RD MEDOWIE	25/06/2008	37
16-2008-493-1	D'Angelo	Retaining Wall	11 Fisher CL SEAHAM	23/06/2008	39
16-2008-488-1	Mcgoldrick	Garage	20 Potoroo BVD MEDOWIE	23/06/2008	39
16-2008-486-1	Freeth Freeth	Fence	27 Ocean AVE ANNA BAY	20/06/2008	42
16-2008-485-1	Hodgekiss Hodgekiss	Carport (Variation to Building Line)	11 Sir Edward ST KARUAH	20/06/2008	42
16-2008-481-1	Beaumont Consultant & Unique Home Design	Addition to Dwelling and Carport	22 Andrew CL BOAT HARBOUR	19/06/2008	43
16-2008-477-1	Baldwin	Single Storey Dwelling (Variation to Building Line)	38 Britannia DR TANILBA BAY	18/06/2008	44
16-2008-473-1	Jones	Two Storey Dwelling - Demolish existing Dwelling	322 Wanda AVE SALAMANDER BAY	16/06/2008	46
16-2008-471-1	Johnson	Swimming Pool	24 Bourke ST RAYMOND TERRACE	16/06/2008	46
16-2008-470-1	Stephenson	Deck and Patio Cover	28 Rigney ST SHOAL BAY	16/06/2008	46
16-2008-465-1	Bullock	Carport	105 Benjamin Lee DR RAYMOND TERRACE	13/06/2008	49
16-2008-463-1	Mclaughlin	Addition to Dwelling	373 Duns Creek RD DUNS CREEK	13/06/2008	49

ORDINARY MEETING – 26 AUGUST 2008

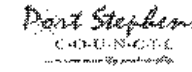
AUTHORITY



Determined Development Applications for the Month of July 2008

Appln No	Applicant	Proposal	Property Address	Date Lodged	Days in Council
16-2008-455-1	Defence Housing Australia	Single Storey Dwelling	16 Moxey CL RAYMOND TERRACE	11/06/2008	51
16-2008-459-1	Defence Housing Australia	Single Storey Dwelling	17 Moxey CL RAYMOND TERRACE	11/06/2008	51
16-2008-458-1	Defence Housing Australia	Single Storey Dwelling	20 Moxey CL RAYMOND TERRACE	11/06/2008	51
16-2008-457-1	Defence Housing Australia	Single Storey Dwelling	18 Moxey CL RAYMOND TERRACE	11/06/2008	51
16-2008-456-1	Defence Housing Australia	Single Storey Dwelling	22 Moxey CL RAYMOND TERRACE	11/06/2008	51
16-2008-454-1	Defence Housing Australia	Single Storey Dwelling	37 Moxey CL RAYMOND TERRACE	11/06/2008	51
16-2008-453-1	Defence Housing Australia	Single Storey Dwelling	41 Moxey CL RAYMOND TERRACE	11/06/2008	51
16-2008-452-1	Defence Housing Australia	Single Storey Dwelling	19 Moxey CL RAYMOND TERRACE	11/06/2008	51
16-2008-451-1	Defence Housing Australia	Single Storey Dwelling	39 Moxey CL RAYMOND TERRACE	11/06/2008	51
16-2007-554-3	Kelly	Dual Occupancy - (One Dwelling Existing)	136A Salamander WAY SALAMANDER BAY	11/06/2008	51
16-2008-448-1	Bamber	Two Storey Dwelling	13 Stringybark DR FERN BAY	6/06/2008	56
16-2008-443-1	Watt	Patio Cover (Variation to Building Line)	15 Cambridge AVE RAYMOND TERRACE	5/06/2008	57
16-2008-434-1	Greentree	Storage Shed	14A Gwen PDE RAYMOND TERRACE	3/06/2008	59
16-2007-1098-2	Williams River Steel Pty Ltd	Industrial Development	47 Camfield DR HEATHERBRAE	2/06/2008	60
16-2003-2247-2	Orman	Dual Occupancy & 2 Lot Subdivision - S.96 Amendment	37 Spinnaker WAY CORLETTE	30/05/2008	63

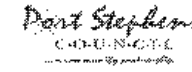
AUTHORITY



Determined Development Applications for the Month of July 2008

Appln No	Applicant	Proposal	Property Address	Date Lodged	Days in Council
16-2008-422-1	Mason	Storage Shed, Garage & Workshop	1 Yangoora CL MEDOWIE	28/05/2008	65
16-2008-423-1	Bond	Addition to Dwelling, Garage & Deck (Demolish existing deck)	1 Messines ST SHOAL BAY	28/05/2008	65
16-2008-417-1	Wellings	Home Employment (personal growth & healing)	8 Randall DR SALAMANDER BAY	27/05/2008	66
16-2008-420-1	Tri-Steel Industries Pty Ltd	Garage & Attached Carport	18 Alma ST RAYMOND TERRACE	27/05/2008	66
16-2008-418-1	Fiddis	Shop Fitting & Change of Use (Medical Centre - Podiatry)	1/199 Adelaide ST RAYMOND TERRACE	27/05/2008	66
16-2008-412-1	Hearn Certiplan Pty Ltd	Swimming Pool - Tourist Facility	15 Fenninghams Island RD BOBS FARM	26/05/2008	67
16-2008-413-1	Bright	Garage	111 Adelaide ST RAYMOND TERRACE	26/05/2008	67
16-2008-415-1	Lockley Land Title Solutions	Six (6) Lot Strata Subdivision - Residential	29 Wahgunyah RD NELSON BAY	26/05/2008	67
16-2007-288-3	Atb Morton Pty Limited	Industrial Development	21 Old Punt RD TOMAGO	26/05/2008	67
16-2007-14-3	Buildev Properties Pty Ltd	Six (6) Lot Boundary Adjustment	21 Coxes LN FULLERTON COVE	26/05/2008	67
16-2008-408-1	Monk	Farm Shed and Pergola	6 Morpeth VWS WALLALONG	23/05/2008	70
16-2008-397-1	Simpson	Land Fill	15 Echo PL ONE MILE	22/05/2008	71
16-2008-401-1	Spicer	Two Storey Dwelling	6 Ullora RD NELSON BAY	22/05/2008	71
16-2008-371-1	Martin Building Services	Addition to Dwelling and Stables	5 Ralstons RD NELSONS PLAINS	15/05/2008	78
16-2008-362-1	Bryant	Addition to Dwelling, Garage, Carport, Deck OBP 355426P	13 Thomas ST RAYMOND TERRACE	13/05/2008	80
16-2008-353-1	Spanline Port Stephens	Deck with Screened Enclosure	59 Sergeant Baker DR CORLETTE	9/05/2008	84

AUTHORITY



Determined Development Applications for the Month of July 2008

Appln No	Applicant	Proposal	Property Address	Date Lodged	Days in Council
16-2008-349-1	Annable	Machinery Shed (Horse Agistment)	18 Salt Ash AVE SALT ASH	9/05/2008	84
16-2008-344-1	Lambert Building Pty Ltd	Dual Occupancy - Detached & 2 Lot Strata Subdivision	15 Brown ST RAYMOND TERRACE	7/05/2008	86
16-2008-333-1	Freedom Homes	Single Storey Dwelling, Swimming Pool, Machinery Shed	97 Richardson RD RAYMOND TERRACE	6/05/2008	87
16-2008-335-1	Raybal Building Services Pty Ltd	Two x Industry /Warehouse & Ancillary Commercial	5 Abbot LN TOMAGO	6/05/2008	87
16-2008-310-1	Paul Le Mottee Project Management	Managers Residence Tourist Facility & Two Lot Subdivision - TT	91 Swan Bay RD KARUAH	28/04/2008	95
16-2008-305-1	Strang Ncs Pty Limited	Industrial Building	15A School DR TOMAGO	28/04/2008	95
16-2008-274-1	Taylor	Change of Use (Motor Vehicle Sales)	340 Soldiers Point RD SALAMANDER BAY	15/04/2008	108
16-2008-273-1	Jedniuk	Dual Occupancy (one existing) & Garage	69 Abundance RD MEDOWIE	15/04/2008	108
16-2008-252-1	Sweeney	Change of Use - Bulky Goods Sales Room (Tender & Services Centre)	7 Abundance RD MEDOWIE	9/04/2008	114
16-2008-224-1	Jw Planning Pty Limited	Third Floor Addition to Existing Commercial Premises	12B Teramby RD NELSON BAY	2/04/2008	121
16-2008-219-1	Rennie Gollidge & Partners	Four (4) Lot Subdivision - ST	6/12 Blanch ST LEMON TREE PASSAGE	1/04/2008	122
16-2008-218-1	Casey	Addition to Dwelling	113 Francis AVE LEMON TREE PASSAGE	1/04/2008	122
16-2008-151-1	Rennie Gollidge & Partners	Four (4) Lot Subdivision - ST	5/12 Blanch ST LEMON TREE PASSAGE	4/03/2008	150
16-2008-138-1	Newcastle Quality Constructions	Single Storey Dwelling	30 Abundance RD MEDOWIE	27/02/2008	156

INFORMATION ITEM NO. 8

PORT STEPHENS FUTURES STRATEGY

**REPORT OF: DAVID BROYD – GROUP MANAGER, SUSTAINABLE PLANNING
FILE: PSC2007-2791**

BACKGROUND

The purpose of this report is to provide Councillors with a progress report on the preparation of the Port Stephens Futures Strategy.

In June 2007 Council initiated the preparation of Port Stephens Futures as a long-term strategy for the Port Stephens Local Government Area. This long-term Strategy is fundamentally important to setting environmental, social and economic directions through the principal Local Government Environmental Plan and related planning framework.

The Resolution in full was as follows:

RESOLUTION: (26/6/07)		
159	Councillor Francis Councillor Tucker	<ol style="list-style-type: none"> 1. Endorse the initiation and preparation of the Port Stephens Futures Strategy, and 2. Endorse the establishment of the Reference Group to support the preparation of the Futures Strategy – with the composition as proposed below. 3. Annual Sustainability Conference be organised by Council. 4. Councillor representation on the Reference Group will be as follows: <ol style="list-style-type: none"> (a) Councillor Brown represent the West Ward (b) Councillor Swan represent the Central Ward (c) Councillor Nell represent the East Ward.

Planning Framework

The proposed framework for the Port Stephens Futures Strategy and the plans and policies that will be derived from it are Attachment 1 of this report. Attachment 1 also includes the broad timing for various “locality plans” for Council’s new Local Environmental Plan, Consolidated Development Control Plan and Infrastructure/Section 94 Plan which will comprise the framework by December 2012 for development, environmental, social, economic and infrastructure planning in the LGA.

This is part of Council’s overall Integrated Planning Framework.

Port Stephens Futures Reference Group

The composition of this Reference Group will be reviewed at the same time as other Council Committees in October 2008. To date, the Reference Group has provided highly valuable input into both processes and content of documentation.

Progress

In addition to the consultation with the Reference Group, a draft comprehensive information resources document has now been completed in draft form. This is a compilation of the most important information, policies etc. from existing relevant Plans and policies. This, in conjunction with input from staff and the Reference Group, has enabled focus on a number of key issues for the Strategy and these will be worked through to provide a structure for community consultation. This will be put to the Reference Group on 6 August.

A Brief has been dispatched for the engagement of professional facilitators for the extensive community consultation that will take place in October 2008. A Sustainability Conference – in accordance with the Council Resolution of June 2007 – is planned for November 2008. The completion of the first draft Futures Strategy is targeted for early 2009.

Council will note that it includes the proposal to complete locality plans for the centres, towns and planning districts as appropriate for the whole of the Local Government Area – with targeted completion by December 2012.

Council should also note that the priorities and timing for completing the following projects are currently being reviewed in terms of staff and budget allocations:

- 1) The Integrated Planning Strategy for the Tomaree Peninsula
 - drawing together the various plans that will comprise an integrated framework for the Tomaree Peninsula as prepared by the Department of Lands and this Council – including the Draft Foreshore Management Plan elements.
- 2) A planning strategy for Raymond Terrace Centre/Heatherbrae
 - this is the second sub-regional/district centre nominated within the Lower Hunter Regional Strategy (with a target of net job creation of 1,600).

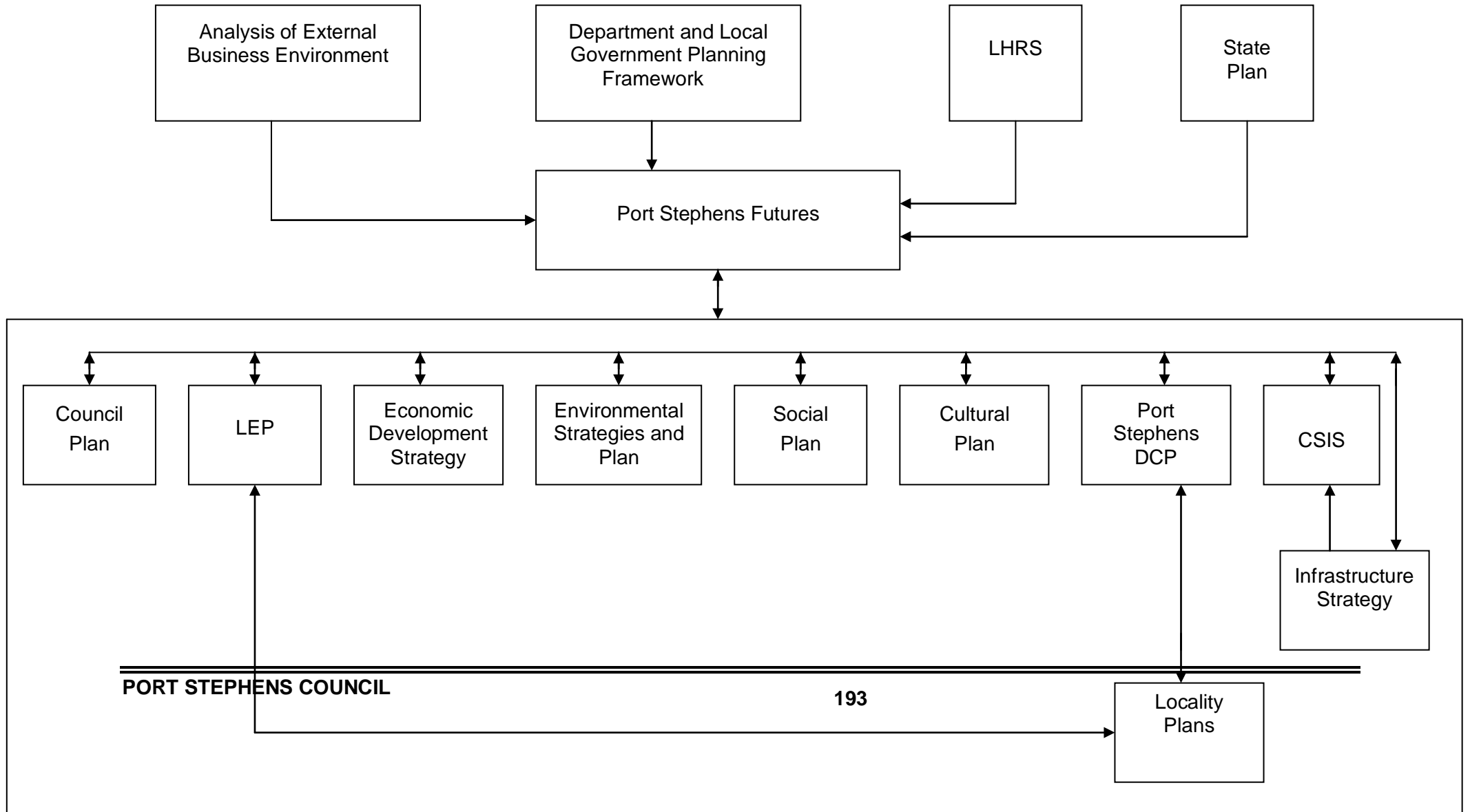
The preparation of the Port Stephens Futures Long Term Strategy will provide for a much more sound policy foundation for decision making on planning and environmental matters and also is aimed to achieve a wider Government approach to the provision of infrastructure in the context of public sector affordability and competing priorities both for Council and relevant State Government Agencies.

The Port Stephens Futures Strategy will also respond to increasing legal imperatives relating to development decision making, taking into consideration climate change and enabling short term decision making to have a basis on long term strategy. The Strategy will also provide a clear framework for the implementation of the State Plan and Lower Hunter Region Strategy as it applies to Port Stephens.

ATTACHMENTS

- 1) Proposed Framework for the Strategies and Plans
- 2) Timing for Locality Plans
- 3) Broad Program for Port Stephens Futures and Principal LEP

FRAMEWORK FOR PORT STEPHENS FUTURES



**ATTACHMENT 2
TIMING FOR LOCALITY PLANS**

2008/09

- Meadowie Strategy
- Anna Bay Strategy
- Kingshill Plans
- Integration of:
 - Nelson Bay 2030 Strategy
 - Foreshore Vision (Department of Lands)
 - Corlette to Shoal Bay Foreshore Plan (Department of Lands)
 - Foreshore Management Plan
- Salamander/Soldiers Point Strategic Overview (Council owned land)
- Raymond Terrace/Heatherbrae Planning Strategy

2009-2012

- Tomaree Peninsula Planning Strategy
- Taylors Beach
- Karuah
- Fern Bay/Fullerton Cove/Tomago/Williamstown
- Shoal Bay
- Remaining Rural Lands

ATTACHMENT 3

BROAD PROGRAM FOR PORT STEPHENS FUTURES AND PRINCIPAL LEP

Port Stephens Futures Strategy															
Work Program															
PROJECT / Task	Princ. RO	Resp. Officer	2008						2008						Status
			Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	
Prepare Research Brief	WC														Done
Target tender								5	23						Done
Review Tenders	WC								28						Done
Appoint consultant	TA														
Prepare Project Management Brief	DB														
STAGE 1 Research Document															
PART 1															
Review and collation	Consult								2	4					
draft consolidated document										6	28				
Reference Group Meeting											6	→			
PART 2															
Analyse Gaps										6					
Gap Priorities and options											13				
Finalise draft document and recommendations												15			
PART 3															
prepare information papers												15			
Present final outcomes to Reference Group										10		17			
STAGE 2 Prepare Consultation Facilitator Brief															
Prepare Communications Plan												15			
Refer to CEP												15			
Engage consultant															
Community Engagement based on Planning Districts															
Appoint and conduct expert panels															
Conduct Summit Conference															
Consult with schools and youth network															
Councillor Briefings															
STAGE 3 Draft PS Futures Document															Feb-09

VALUATION INCREASE

**REPORT OF: JEFF SMITH ACTING BUSINESS & SUPPORT GROUP MANAGER
FILE: PSC2008-2027**

BACKGROUND

The purpose of this report is to advise that a reply has been received from the NSW Valuer General explaining how commercial land was valued in Raymond Terrace in July 2007.

At its meeting held on 22 April 2008 Council resolved that:

“Council writes to the Valuer Generals Department seeking an explanation as to why the average valuation has increased by 37% and yet the large Commercial sites located in the middle of Raymond Terrace have only increased by 10%. This has created a deal of uncertainty and confusion in this community and it is our belief that an explanation as to how valuations are achieved should be given by that department.”

The letter of reply has provided an explanation and the Valuer General also advises that the valuations for Raymond Terrace Market Place and Centro Shopping Village have been reviewed by an independent professionally qualified contract valuer who has determined that the land values are appropriate.

ATTACHMENTS

- 1) Letter from NSW Valuer General dated 29 July 2008.

ATTACHMENT 1

Office of the New South Wales Valuer General

Mr Craig Barrass
Revenue Coordinator
Rates Department
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

VG08/249

29 July 2008

Dear Mr Barrass

I refer to your letter of 6 May 2008 regarding land values in Raymond Terrace (your reference A2004-1302). I apologise for the delay in providing a full response.

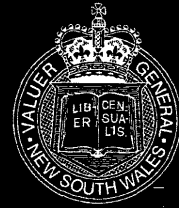
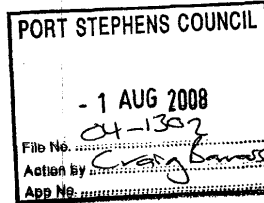
There are approximately 2.4 million valuations produced annually in NSW. Most land is valued using the mass valuation approach, where properties are valued in groups called components. The properties in each component are similar or are expected to reflect changes in value in a similar way.

Representative properties are selected from components and individually valued each year to determine how much the land value has changed from the previous year. This change is then applied to all properties in the component to determine their new land values. Sample values are then checked to confirm the accuracy of the new values.

During the valuation process, valuers analyse sales of both vacant land and improved properties, making adjustments for the added value of improvements.

When comparing property sales to the land being valued, valuers consider factors such as land size and shape; the physical nature of the property; views; public amenities; and land usage constraints, such as zoning.

Land values were last supplied to Port Stephens Council in 2004 and the commercial property market has generally increased since that time. However, it is important to note that different types of property may not increase uniformly, as each property type has its own niche in the market place with different factors affecting demand.



Level 3
1 Prince Albert Road
Queens Square
SYDNEY NSW 2000
AUSTRALIA

GPO Box 15
SYDNEY NSW 2001

DX 17 SYDNEY

T (61 2) 8258 7450
F (61 2) 8258 7475

www.lands.nsw.gov.au



Department of Lands

The Office of the New South
Wales Valuer General is part
of the New South Wales
Department of Lands

ATTACHMENT 1

Between 2004 and 2007 the commercial property market in Raymond Terrace generally increased by 37% for well located smaller sites in William Street, while larger commercial sites showed increases of approximately 5%. By contrast, properties in fringe commercial locations such as Port Stephens Street showed an increase of 56% over the same period.

Sales analysed for the 1 July 2007 valuation program indicated that the market for larger commercial sites and well located smaller commercial properties in William Street rose approximately 10% over the July 2006 levels. Sites in fringe commercial locations of Port Stephens Street and Sturgeon Street generally showed a small decrease of 4% over the same period.

The figures mentioned above demonstrate the manner in which the commercial property market can fluctuate from year to year as demand, the finance market and general feeling in the economy affect differing facets of the market place in different ways.

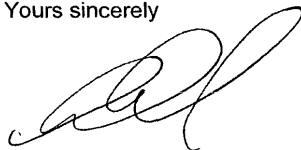
The 1 July 2007 land values for Raymond Terrace Market Place and Centro Shopping Village have been reviewed by a professionally qualified contract valuer who was not involved in the original valuation process. This valuer determined that the issued land values were supported by market evidence.

Landowners or rate paying lessees who are not satisfied with the land value recorded on their Notice of Valuation can lodge an objection to the land value reviewed. The objection process is the appropriate way to respond to landowners' concerns regarding valuations. Each objection is individually reviewed, and the issues raised closely examined by an independent valuer.

It is important to note that the comparison of land values with other land values is not a valid ground for objection, as valuers review land values in relation to the sale prices of comparable properties. Valid objections are based on factors relating to the property and how the land value relates to comparable sales evidence.

I trust this information is of assistance to you, and thank you for bringing Council's concerns to my attention.

Yours sincerely



Philip Western
Valuer General

INFORMATION ITEM NO. 10

PETITION – NO BAN ON SECOND HOMES ON RURAL LAND

REPORT OF: PETER GESLING, GENERAL MANAGER

FILE: PSC2008-3522

BACKGROUND

The purpose of this report is to advise Council of a petition that has been received with approximately 56 signatures. The petition states:

“We are aware of the Port Stephens Council proposal to ban the erection of second homes on rural land. We as ratepayers are concerned about our existing rights being taken from us.

We feel this proposal is a real injustice to our rights as well as being discriminatory. Should this proposal be passed it would force landowners to leave their land if they want to pass it on to their children, instead of being able to live out their lives in peace and comfort with their children nearby on the family property – this is not on!

We are also aware of which councillors are voting for this proposal, and would like to bring attention to the fact that we will be voting accordingly in the September re-elections.

As paying rate payers and landowners it should be a legal obligation, as well as a moral one, that we should be personally notified by telephone or mail when new proposals affecting us arise, to allow our input.”

STRATEGIC COMMITTEE RECOMMENDATIONS

CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

REPORT OF: JUNE SHINE – ACTING GROUP MANAGER – CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Consider the proposal of Constitutional Recognition for Local Government.
- 2) Provide ALGA with Council's views on constitutional recognition, including responses to the objectives in the feedback form.

STRATEGIC COMMITTEE MEETING – 5 AUGUST 2008**RECOMMENDATION:**

That Council;

- 1) Consider the proposal of Constitutional Recognition for Local Government.
- 2) Provide ALGA with Council's views on constitutional recognition, including responses to the objectives in the feedback form.
- 3) Include responses in the table below.

Objective	High	Medium	Low	Nil
1. Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States)	X			
2. Providing a guarantee of funding to some minimum level	X			
3. Symbolic recognition of local government	X			
4. Protection of the system of Local Government (require the States to maintain a system of Local Government)	X			
5. Protection of Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met)	X			
6. Other The attached minimum principles are supported by Council	X			

RESOLUTION:

<p>230</p>	<p>Councillor Swan Councillor Hodges</p>	<p>That Council</p> <ol style="list-style-type: none"> 1) Consider the proposal of Constitutional Recognition for Local Government. 2) Provide ALGA with Council’s views on constitutional recognition, including responses to the objectives in the feedback form. 3) Include responses in the table below. <p><u>Suggested Minimum Principles</u></p> <ol style="list-style-type: none"> 1. That any advice/ enhancement / recommendation to the status and role of Local Government should include general competence powers. Comment: This would enshrine that each Local Government authority has the power to exercise any function/activity that its community is willing to support providing that life cycle costs are identified and the Council determines its approach to providing that service ie from community service applications to full cost recovery. 2. That current institutions (LGA’s) should not be protected in terms of their boundaries or functions from being exposed to property market and community considerations ie triple bottom line assessment. Comment: Port Stephens Council has expressed the view that objective 5 should be not interpreted to insuring existing LGA’s into the future. 3. Vertical and horizontal fiscal policy should be reviewed to ensure a properly considered sphere of Government LGA’s is sustainable and contributes value to the system of Government in Australia. Comment: This principle supports the current review of taxation policy and previous reviews of the general purpose grants allocation of GST and national competition policy payments.
------------	--	---

ORDINARY MEETING – 26 AUGUST 2008

<i>Objective</i>	<i>High</i>	<i>Medium</i>	<i>Low</i>	<i>Nil</i>
1. Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States)	X			
2. Providing a guarantee of funding to some minimum level	X			
3. Symbolic recognition of local government	X			
4. Protection of the system of Local Government (require the States to maintain a system of Local Government)	X			
5. Protection of Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met)	X			
6. Other The attached minimum principles are supported by Council	X			

BACKGROUND

The purpose of this report is for Council to consider the matter of Constitutional Recognition of Local Government.

The Australia Government is committed to pursuing constitutional recognition of Local Government. In response to the Government commitment the Australian Local Government Association (ALGA) has commenced a campaign on behalf of all Councils across Australia to ensure the commitment of the Government is met. It is hoped that the right model for constitutional recognition is put to a referendum, hopefully in conjunction with the 2010 federal election.

ALGA have provided Council will an information package to allow Council to have a discussion on the matter and respond to ALGA by the end of August 2008. A copy of the timetable ALGA is working to is shown at **ATTACHMENT 1**.

It is proposed that a national position will be resolved at the Local Government Constitutional Summit to be held in Canberra in December 2008. This position will be put to the Australian Government as the joint position of all Australian Local Governments.

A briefing will be held on Tuesday 5 August 2008 with Councillors to allow a conversation which will cover the following areas:-

- Background
- What is the Constitution?
- Status of Local Government
- Changing the Constitution – how it is amended?
- Previous efforts
- Argument for recognition
- Local Government's aspirations from recognition
- ALGA's process for 2008 and beyond

In general ALGA is seeking Council's views on:-

- a) whether Council supports the constitutional recognition of local government
- b) what Council would like to see achieved from constitutional recognition of local government
- c) what Council would like to see in the Australian Constitution
- d) what Council thinks we need to do to gain sufficient community support to win a referendum, if and when one was put to the Australia people By the end of August 2008 Council is required to submit an online response to ALGA – a sample of the online feedback form is shown at **ATTACHMENT 2**. In considering the online feedback form Council should consider:-

- the relative benefits to the community
- the likelihood of gaining Commonwealth support for each objective
- the risks of taking multiple or complex issues to the electorate; and
- the likelihood of opposition

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Nil

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** –

Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services. 3)

SYSTEMS THINKING – *Continuously improve the system.*

- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

General Manager

Executive Officer

OPTIONS

- 1) Adopt the recommendation
- 2) Reject the recommendation
- 3) Amended the recommendation

ATTACHMENTS

- 1) Fact Sheet 8 – ALGA's Process (Timetable)
- 2) Sample online feedback form

COUNCILLORS ROOM

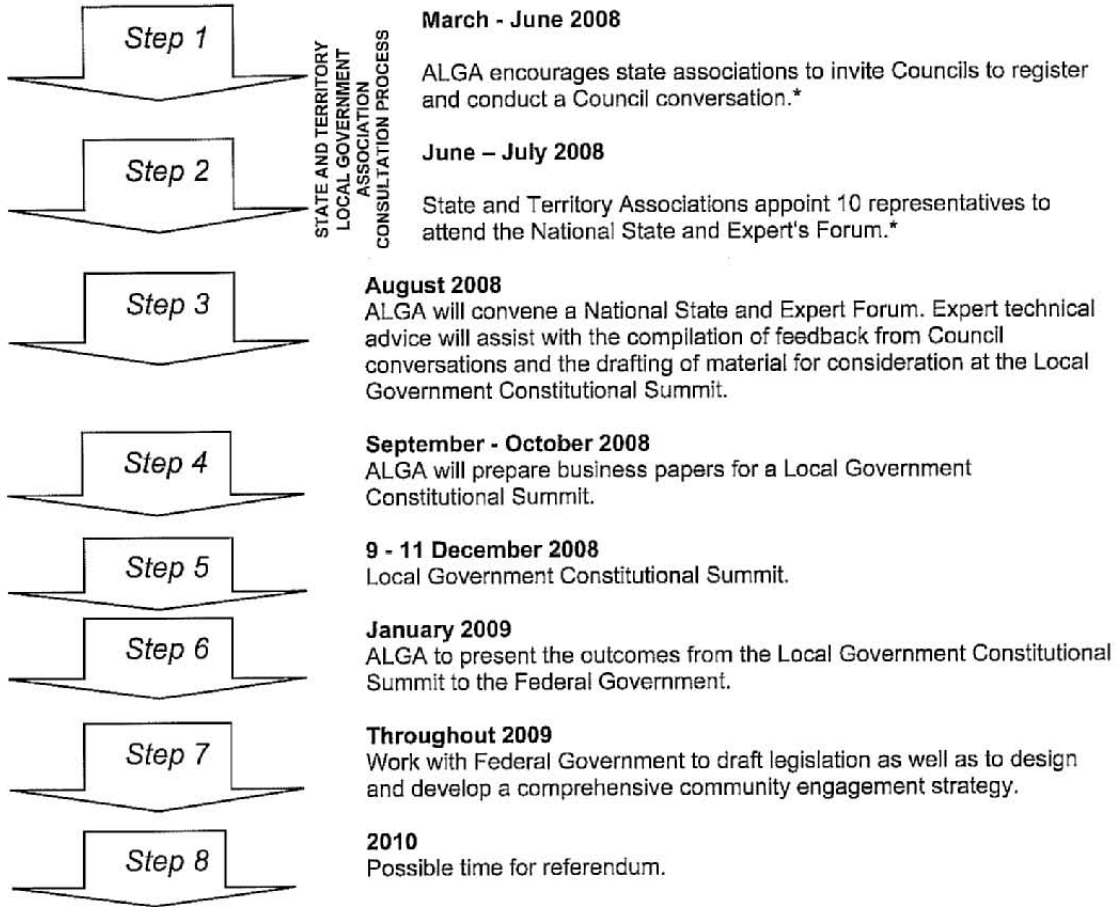
- 1) Nil

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1

**CONSTITUTIONAL RECOGNITION
FOR LOCAL GOVERNMENT**
FACT SHEET 8 – ALGA’S PROCESS



* State consultative process may vary according to local circumstances, check with your state or territory association for details.



ATTACHMENT 2

CONSTITUTIONAL RECOGNITION FOR LOCAL GOVERNMENT

HANDLING NOTES & FEEDBACK FORM

Sample of Online Feedback Form

What objectives does your Council believe would most assist your communities and which could be supported/achieved through Constitutional Recognition of Local Government?

Please select high/medium/low or nil for each objective.

Objective	High	Medium	Low	Nil
1. Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States)				
2. Providing a guarantee of funding to some minimum level				
3. Symbolic recognition of local government				
4. Protection of the system of Local Government (require the States to maintain a system of Local Government)				
5. Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met)				
6. Other (Please State)				



ITEM NO. 2

FILE NO: PSC2007-2379

QUARTERLY REPORTS FOR 2008 JUNE QUARTER: COUNCIL PLAN 2007-2011 INCORPORATING PERFORMANCE MEASUREMENT (COCKPIT CHARTS)

REPORT OF: JUNE SHINE – ACTING GROUP MANAGER – CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopts the Quarterly Report for June 2008 Quarter: Council Plan 2007-2011 incorporating Performance Measurement Report (Cockpit Charts)

STRATEGIC COMMITTEE MEETING – 5 August 2008

RECOMMENDATION: That the recommendation be adopted.

Tabled Document: Quarterly Reports for 2008

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

231	Councillor Nell Councillor Robinson	It was resolved that the recommendation be adopted.
-----	--	---

BACKGROUND

The purpose of this report is to present to Council the Quarterly Report (June Quarter 2008) against the Council Plan 2007-2011 and the cockpit charts measuring Council's performance in key areas.

The Quarterly Report with its accompanying cockpit charts will provide Councillors with accurate, meaningful data that address the key issues facing Port Stephens Council.

The Quarterly Report addresses the progress in relation to strategies and objectives across all functional areas of Council. The new format for quarterly reporting incorporates all four quarters over time so that Councillors can see the progress of every objective within the Council Plan. The June quarter is highlighted in yellow.

The cockpit charts are now aligned with the key areas identified in the Department of Local Government Report on Port Stephens Council – Promoting Better Practice. These are:

- . Strategic
- . Governance
- . Regulatory Functions
- . Asset and Financial Management
- . Community, communications and consultation
- . Workplace Relations.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY

The Quarterly Report cockpit charts map progress in the implementation of the Social and Community Plan.

CULTURAL SUSTAINABILITY

The Quarterly Report cockpit charts maps progress in the implementation of the Cultural Plan. This is the final report against this Plan, which expires at the end of this quarter.

ECONOMIC SUSTAINABILITY

The Quarterly Report documents progress against Goals 10 – 12 of the Council Plan 20072011. The cockpit charts report against the Council's financial performance.

ENVIRONMENTAL SUSTAINABILITY

The Quarterly Report documents progress against the sustainability and environmental indicators in the Council Plan 2007-2011.

BUSINESS EXCELLENCE

The Quarterly Report documents progress against Goals 13-25 of the Council Plan 20072011.

FINANCIAL/RESOURCE IMPLICATIONS

The Quarterly Report cockpit charts should be read in conjunction with associated budget documents provided under separate cover.

LEGAL AND POLICY IMPLICATIONS

The Local Government Act 1993, Section 407(1) provides that Council receives a quarterly update on progress against its Management Plan (Council Plan 2007-2011).

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a culture of continual improvement, innovation and learning.*
- 6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

CONSULTATION

The Quarterly Report with performance measurement charts was compiled by Corporate Management with input from sections across Council, and referred to the Executive Management for accuracy and completeness.

OPTIONS

- 1) Adopts the Quarterly Report (June 2008) and Performance Measurement cockpit charts for April to June 2008.
- 2) Amend the Quarterly Report (June 2008) and Performance Measurement cockpit charts for April to June 2008.

ATTACHMENTS

- 1) Nil

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Quarterly Report June Quarter 2008: Council Plan 2007-2011 2) Performance Measurement (Cockpit Charts) Report June Quarter 2008.

ITEM NO. 3

FILE NO: PSC2007- 2386

FINANCIAL ASSISTANCE UNDER SECTION 356 OF THE LOCAL GOVERNMENT ACT 1993

REPORT OF: JUNE SHINE – ACTING GROUP MANAGER – CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Rescinds the Policy: Request for Financial Assistance that was adopted by Council on 19 April 2004 (minute no. 375)
- 2) Adopts the Financial Assistance Policy and endorses the Community Grants Process

STRATEGIC COMMITTEE MEETING – 5 August 2008

RECOMMENDATION: That Council;

- 1) Rescinds the Policy: Request for Financial Assistance that was adopted by Council on 19 April 2004 (minute no. 375).
- 2) Adopts the Financial Assistance Policy and endorses the Community Grants Process.
- 3) A further report be presented on this Council's capacity to contribute to community activity including whole of Council consideration.

ORDINARY MEETING – 26 AUGUST 2008

MOTION:

232	Councillor Hodges Councillor Jordan	That this item be deferred for a full briefing on the community capacity building proposal and the community grants program, including resources and costings.
-----	--	--

The Motion, on being put became the resolution which was put and carried.

BACKGROUND

The purpose of this report is to present to Council a policy that ensures equity, transparency, accountability and a coordinated approach to providing financial assistance to the community.

The Local Government Act 1993 Section 356 provides:

“356 Can a council financially assist others?

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days'

public notice of the council's proposal to pass the necessary resolution has been given.

- (3) However, public notice is not required if:
 - (a) the financial assistance is part of a specific program, and
 - (b) the program's details have been included in the council's draft management plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work. "

Attachment A details the charter and functions of Council.

A policy was adopted in 2004 related to financial assistance, but it has scant information to adequately address the needs of Council in 2007.

Currently donations are made to community groups through a series of mechanisms:

- (a) by way of a specific policy determination of Council such as the Financial Assistance for Disposal of Waste in Port Stephens Policy adopted in 2005;
- (b) by way of a specific resolution of Council related to a class of persons, eg the decision to provide rate relief to Tilligerry Oyster farmers;
- (c) through the annual budget where programs such as cultural events are approved as part of the process of approving the budget;
- (d) through resolutions of Council, generally monthly, where Councillors respond to requests of an ad hoc nature from the community for support or assistance.

Funds for the provision of financial assistance are sourced from general revenue with additional sums generated from land sales and known as ward funds.

In the categories (a) – (c) above, the process is appropriate and complies with the requirements of the Act.

However, over time practices have grown up related to (d) above where grants of assistance are sometimes made in contravention of the Act. This places Councillors at risk and the current policy framework and processes do not mitigate this risk. Annexure B provides details of donations in this category for the last two years and indicates where the expenditure is outside the legislation.

In addition, the process is reactive and does not provide equitable access to opportunity for groups across the LGA. This leaves Council open to accusations of partiality.

In response to the concerns of the Department of Local Government in its report *Promoting Better Practice – Review of Port Stephens Council* related to the provision of financial assistance and use of ward funds, a PDSA team was established comprising Councillor Francis, Tony Wickam, Paul Procter, the late Greg Heys and chaired by Dr Fran Flavel. This team met with Councillors on 15 May 2007 to outline the issues and to gain Councillors' views on how the system could be improved to obtain an equitable and transparent process that was accountable. The issues identified by Councillors are attached as Annexure C.

Other issues identified by the team included the fact that many groups receive annual funding and these should be dealt with under separate programs; many continue to receive funding without acquittal provisions; there are no independent evaluation processes related to the recipients nor of the projects being proposed for funding.

In June 2007 the Department of Local Government was contacted to ascertain best practice and to get advice on which councils managed the Section 356 process appropriately. On 21 June the

Department asked what progress had been made in relation to its recommendation in this area. The Department also drew attention to its Circular 06/32 related to *Provision of financial assistance under section 356 of the Local Government Act – developing a financial assistance policy*. The proposed policy meets all the standards articulated in that document, as well as those articulated in the Independent Commission Against Corruption's publication *Sponsorship in the public sector (May 2006)*.

Paul Terrett from the Department advised that the best practice model for financial assistance to the community was that of Canterbury Council. The proposed policy and associated process follow the principles of that system closely.

The Department expressed concern at the quantum of assistance being made available, and the PDSA Team chair investigated the situation in other Hunter Councils. The data indicated that Port Stephens Council was out of alignment with the norm for this type of assistance. Annexure D is a snapshot of some other councils' financial assistance programs.

Corporate Management requested a review of Council's current practices and proposed policy and procedures from its Internal Auditors, Forsyths. The Internal Auditor's response is attached as Annexure E.

Features of Proposed Policy

The attached Annexure F comprises the proposed policy document and process; Annexure G comprises draft supporting documentation that would be appropriate for distribution to the community.

Features of the policy include:

- (a) financial assistance is provided via a process twice per year of calling for expressions of interest in receiving funding, to occur in January and July each year.
- (b) grants are not to exceed \$2000 per project or per group, with grants under \$500 not requiring formal acquittal
- (c) grants must be for new projects each year – recurrent funding for the same activities or projects will be evaluated in the Cultural Planning area of Council for ongoing support via the budget process. Grants are however available to the same group for up to three years provided the projects differ each year.

The policy covers those grants made under what is now designated 'minor works', and comprise currently \$20,000 per ward per annum. Grants under ward funds are the subject of a separate report to Council but generally should follow the same principles as are articulated in this draft policy.

Applications would be sought from groups within Port Stephens LGA and evaluated against the criteria in the policy. Councillors would then select the recipients up to the designated amount of funding available per ward.

Council must be acknowledged appropriately as the grantor of financial assistance, providing a return to Council.

Benefits of the Proposed Policy

The proposed policy and process provide:

- . equity across the LGA
- . timeliness and transparency of process
- . known criteria that comply with the Act and the guidelines of the ICAC and the Department of Local Government

- . removes staff from the process other than to collate and advise Councillors
- . protects the Mayor and Councillors from exposure to risk under the Act and the ICAC
- . provides two annual opportunities for showcasing the commitment of Councillors to building community at the grass roots level.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey.*

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 3) **SYSTEMS THINKING** – *Continuously improve the system.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

This policy will enhance opportunities for community groups to further their projects with the assistance of Council.

ECONOMIC IMPLICATIONS

The policy will operate in the current budget environment, but will ensure focus on those community projects that deliver the best outcomes.

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Consultation was undertaken with Councillors, the Department of Local Government, other councils, Internal Auditors.

OPTIONS

- 1) Approve the recommendations
- 2) Amend the recommendations
- 3) Not approve the recommendations

ATTACHMENTS

- 1) Annexure A Charter and Functions of Council
- 2) Annexure B Port Stephens Council Financial Assistance under Section 356 for 2005-2006 and 2006-2007
- 3) Annexure C Issues Identified by Councillor – May 2007
- 4) Annexure D Section 356 – Other Councils
- 5) Annexure E Report of Forsyths Internal Auditors 25 September 2007
- 6) Annexure F Draft Policy and Process- Financial Assistance
- 7) Annexure G Draft Application and Guidelines

COUNCILLORS ROOM

- 1) Nil

TABLED DOCUMENTS

- 1) Nil

Council's Charter (Chapter 3) Local Government Act 1993

The Charter contained in this Chapter comprises a set of principles that are to guide a council in the carrying out of its functions.

- . Provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services are managed efficiently and effectively.
- . Exercise community leadership.
- . Exercise its functions in a manner that is consistent with and actively promotes the principles of cultural diversity.
- . Promote and to provide and plan for the needs of children.
- . Properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
- . Have regard to the long term and cumulative effects of its decisions.
- . Bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.
- . Facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of local government.
- . Raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
- . Keep the local community and the State government (and through it the wider community) informed about its activities.
- . Ensure that in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected.
- . Be a responsible employer.

Functions of Councils – Local Government Act 1993

SERVICE FUNCTIONS (CHAPTER 6)

- . Community services & facilities
- . Public health services and facilities
- . Cultural, educational and information services and facilities
- . Sporting, recreational and entertainment services and facilities
- . Environment conservation, protection and improvement services and facilities
- . Waste removal, treatment and disposal services and facilities
- . Pest eradication and control services and facilities
- . Public transport services and facilities
- . Energy production, supply and conservation
- . Water, sewerage and drainage works and facilities

ORDINARY MEETING – 26 AUGUST 2008

- . Storm water drainage and flood prevention, protection and mitigation services and facilities
- . Land and property development
- . Housing
- . Industry development and assistance
- . Tourism development and assistance.

REGULATORY FUNCTIONS (CHAPTER 7)

- . Approvals
- . Orders
- . Building certificates

ANCILLARY FUNCTIONS (CHAPTER 8)

- . Resumption of land
- . Powers of entry and inspection

REVENUE FUNCTIONS (CHAPTER 15)

- . Rates
- . Charges
- . Fees
- . Borrowings
- . Investments

ADMINISTRATIVE FUNCTIONS (CHAPTERS 11, 12 AND 13)

- . Employment of staff
- . Management plans
- . Financial reporting
- . Annual reports

ENFORCEMENT FUNCTIONS (CHAPTERS 16 AND 17)

- . Proceedings for breaches of the Act
- . Prosecution of offences
- . Recovery of rates and charges

Other Functions (Chapter 5, Section 22)

Function	Conferring Legislation
Planning functions as consent authority	Community Land Development Act 1989
Companion animal registration and control	Companion Animals Act 1998
Placing covenants on council land	Conveyancing Act 1919
Environmental planning	Environmental Planning & Assessment Act 1979
Payment of contributions to fire brigade costs and furnishing of returns	Fire Brigades Act 1989
Fluoridation of water supply by council	Fluoridation of Public Water Supplies Act 1957
Inspection of food and food premises	Food Act 2003

ORDINARY MEETING – 26 AUGUST 2008

Impounding of animals and articles	Impounding Act 1993
Library services	Library Act 1939
Pollution control	Protection of Environment Operations Act 1997
Inspection of systems for purposes of microbial control	Public Health Act 1991
Restricting use of recreation vehicles	Recreation Vehicles Act 1983
Roads	Roads Act 1993
. Issue of Permits to light fires during bush fire danger periods . Requiring the furnishing of information to the Rural Fire Service Advisory Council and its Coordinating Committees	Rural Fires Act 1997
Recommending appointment of local controller	State Emergency Services Act 1989
Approval of strata plans	Strata Schemes (Freehold Development) Act 1973
Approval of leasehold strata plans	Strata Schemes (Leasehold Development) Act 1986
Ensuring restriction of access to swimming pools	Swimming Pools Act 1992

ASSISTANCE REQUESTS

2005/06

DATE	APPLICANT	PURPOSE	APPROVED (YES/NO)	AMOUNT \$	MAYORAL/WARD	COMPLIES WITH LEGISLATION
26.7.05	Port Stephens Sister Cities Committee	Hall Fee for the Belling ham visit	Yes	380	East	Yes
26.7.05	Nelson Bay Pistol Club	Donation towards fencing costs for the club	Yes	1500	East	No
26.7.05	Wollotuka School of Aboriginal Studies	Donation in support of the Reconciliation Scholarship Dinner Dance	Yes	400	Mayoral	No
26.7.05	Changing Gears for Breast Cancer	Donation for the event	Yes	250	Mayoral	No
26.7.05	Port Stephens Community Arts Centre	Donation towards building extension to house the woodworkers facility	Yes	10000	East	No
23.8.05	Raymond Terrace Annual Art Show	Donation as major sponsor of first prize in the art show	Yes	2000	Mayoral	No
23.8.05	Breast Cancer Institute of Australia	Sponsorship for the "Race for Research" charity event	Yes	500	Mayoral	No
23.8.05	Nelson Bay Rotary Club	Donation in support of the "U Turn the Wheel" educational road safety and awareness program	Yes	3000	Mayoral	No
23.8.05	Life Education Program in LGA	For towing costs	Yes	4200	¼ each Ward	No

PORT STEPHENS COUNCIL

22

PORT STEPHENS COUNCIL

219

ORDINARY MEETING – 26 AUGUST 2008**STRATEGIC COMMITTEE – 5 AUGUST 2008**

DATE	APPLICANT	PURPOSE	APPROVED (YES/NO)	AMOUNT \$	MAYORAL/WARD	COMPLIES WITH LEGISLATION
27.9.05	Aaron Moase	Donation toward fundraiser for the John Hunter Hospital Diabetics	Yes	700	Mayoral	No
27.9.05	Hunter Hurricanes National League Water Polo	Donation towards Junior development Program	Yes	3000	Mayoral	No
27.9.05	Port Stephens RAFF Williamtown Support Group	Sponsorship of the RAAF Citizen of the Year	Yes	500	Mayoral	No
27.9.05	Hunter Valley Vaulting Centre	Donation towards hall hire fees at Medowie Hall	Yes	100	Central	No
27.9.05	St Brigid's School	Donation air conditioning of the school	Yes	1000	West	No
22.11.05	Australian Winter Paralympic Comm	Donation to assist sending the team to Torino in March 2006	Yes	250	Mayoral	No
22.11.05	NSW Blue Light	Donation in support of Kidsmart Handbook	Yes	770	Mayoral	No
22.11.05	Local Government Touch Football	Donation towards registration fee	Yes	100	Mayoral	No
22.11.05	Fern Bay Public School	Sponsorship of the Fern Bay Public Art Show	Yes	100	Mayoral	No
22.11.05	Riding for the Disabled	Donation toward costs for the Bushies Ball	Yes	435	Mayoral	No
22.11.05	Irrawang High School	Donation in support annual presentation evening	Yes	200	West	No
22.11.05	Hunter River High	Donation for a roll of wire for the school bush tucker	Yes	220	West	No

PORT STEPHENS COUNCIL

23

STRATEGIC COMMITTEE – 5 AUGUST 2008						
DATE	APPLICANT	PURPOSE	APPROVED (YES/NO)	AMOUNT \$	MAYORAL/WARD	COMPLIES WITH LEGISLATION
		garden				
22.11.05	Port Stephens Business Chamber	Donation in support of the Main Street Treats	Yes	500	West	Yes
22.11.05	Hinton Public School	Donation towards outdoor covered learning area	Yes	1000	West	No
22.11.05	Seaham Public School	Donation towards outdoor covered learning area	Yes	1000	West	No
22.11.05	Anna Bay Community Centre	Donation to replace rusted metal fence	Yes	6258	Central	Yes
22.11.05	Tilligerry Adult & Community Education	Donation to assist in organising computer workshops	Yes	500	Central	No
22.11.05	Hunter New England NSW Health	Donation to assist with hall hire for Carers Week	Yes	154	Central	No
22.11.05	Tanilba Bay Rural Fire Brigade Comm	Donation to assist with the Fair	Yes	330	Central	No
22.11.05	Tilligerry Chamber of Commerce	Donation to assist the Tilligerry Festival	Yes	650	Central	No
22.11.05	Lions Club Tilligerry Peninsula	Donation towards Australia Day Breakfast 2006	Yes	1000	Central	No
22.11.05	Medowie Public School	Donation towards end of year school awards	Yes	200	Central	No
22.11.05	Hunter River High School	Donation towards end of year school awards	Yes	200	West	No
20.12.05	Mount View High School	Donation – Hunter Battle of the Bands Competition	Yes	1000	Mayoral	No

ORDINARY MEETING – 26 AUGUST 2008

20.12.05	Hunter Botanic Gardens	Reimbursement of DA fees	Yes	420	West	No
----------	------------------------	--------------------------	-----	-----	------	----

PORT STEPHENS COUNCIL

24

STRATEGIC COMMITTEE – 5 AUGUST 2008

DATE	APPLICANT	PURPOSE	APPROVED (YES/NO)	AMOUNT \$	MAYORAL/WARD	COMPLIES WITH LEGISLATION
20.12.05	Grahamstown Public School	Donation – Citizenship prize giving award	Yes	50	West	No
20.12.05	Grahamstown Public School	Donation for covered outdoor learning area	Yes	1000	West	No
20.12.05	King Park No 4 Cricket Soccer Ground	Donation towards construction of shade shelter	Yes	7000	West	Yes
20.12.05	Raymond Terrace Tennis Courts	Donation – construction of 2 new tennis courts	Yes	50000	West	Yes if Crown Land, No otherwise
20.12.05	St John's Anglican Church	Donation – Christmas lights	Yes	200	West	No
20.12.05	Anna Bay Public School	Donation – Parents School Partnership	Yes	200	Central	No
20.12.05	Rotary Club Nelson Bay	Donation support of Rotary International 2006 Conference	Yes	1500	East	No
20.12.05	Nelson Bay Pistol Club	Donation	Yes	1500	East	No
28.02.06	Raymond Terrace Art Show	Sponsorship 39 th Art Show	Yes	2000	Mayoral	No
28.02.06	Rotary Club Of Maitland Sunrise	Contribution towards Liberty Swing	Yes	1000	West	No
28.02.06	Raymond Terrace Water Polo	Donation towards PS Championships	Yes	500	West	No

ORDINARY MEETING – 26 AUGUST 2008

28.02.06	Nelson Bay Town Mgt Inc	Donation towards security over Christmas 2005 in CBD nelson Bay	Yes	1000	East	No
28.02.06	Salt Ash Sports Ground	Donation of costs of enhancements to sports	Yes	35000	Central	Yes if it is Crown Land, No

PORT STEPHENS COUNCIL

25

STRATEGIC COMMITTEE – 5 AUGUST 2008

DATE	APPLICANT	PURPOSE	APPROVED (YES/NO)	AMOUNT \$	MAYORAL/WARD	COMPLIES WITH LEGISLATION
		ground				otherwise
28.02.06	Tanilba Bay Golf Club	Donation towards cost of drain crossing at golf club	Yes	35000	Central	No
28.02.06	PS Community Care	Donation in support of Seniors Week expo	Yes	1000	Central	No
28.03.06	PS Community Arts Centre	Sponsorship of the ceramics section of the Art Show	Yes	500	East	No
28.3.06	Medowie Rugby Club	Donation for repairs to Boyd Oval, Medowie Rugby amenities building	Yes	5000	Central	Yes if Boyd Oval is Crown Land, otherwise No
28.03.06	Raymond Terrace & District Tennis Club	Sponsorship for the Easter Open Tournament & the Raymond Terrace Odd Age Tennis Tournament	Yes	2500	West	No
28.03.06	Anna Bay Public School	Donation for Rope Burner Skipping Team	Yes	100	Central	No
28.03.06	Medowie Public School	Donation towards outdoor play equipment	Yes	1500	Central	No
18.04.06	Coles Trolley Challenge	Donation in support of the Coles/BiLo Trolley Challenge	Yes	1000	Mayoral	No

ORDINARY MEETING – 26 AUGUST 2008

18.04.06	Valley Food Link	Donation towards the purchase of a refrigerated container	Yes	1500	Mayoral	No
18.04.06	Karuah RSL	Contribution to cover the cost of road closure for Anzac Day	Yes	180	West	Yes
18.04.06	Seaham Scout Group	Contribution to cover the cost of road closure for Anzac Day	Yes	180	West	Yes
18.04.06	Medowie Lions Club	Contribution to cover the cost	Yes	180	Central	Yes

PORT STEPHENS COUNCIL

26

STRATEGIC COMMITTEE – 5 AUGUST 2008

DATE	APPLICANT	PURPOSE	APPROVED (YES/NO)	AMOUNT \$	MAYORAL/WARD	COMPLIES WITH LEGISLATION
		of road closure for Anzac Day				
18.04.06	Thou Walla	Donation towards the cost of a shade structure	Yes	1000	West	No
23.5.06	Royal Volunteer Coastal Patrol	Contribution towards DA fees for Radio Base extension at Nelson Head	Yes	3841.75	East	No
23.5.06	Medowie Community Pre-school	Donation towards assisting centre to raise funds for improvements	Yes	2500	Central	No
23.5.06	Fern Bay Public School P&C Comm	To assist with associated costs to lay tur to cover indigenous site on playing field	Yes	500	Central	No
23.5.06	Medowie Community Centre	To assist Medowie Guides fund raising event by refunding the fee for hire of Medowie Hall	Yes	110	Central	No

ORDINARY MEETING – 26 AUGUST 2008

23.5.06	Lemon Tree Passage Community Care Centre	Donation towards security screen doors and a new computer	Yes	2820	Central	No
23.5.06	Medowie Rural Fire Station	Donation to fund an extension to the fire station to replace the bay lost with the storage of a third fighting appliance	Yes	40000	Central	Probably as this is a function of Council
23.5.06	Lemon Tree Passage Fire Service	Donation in support of the annual market day and fair	Yes	3000	Central	No
27.6.06	Port Stephens RAAF	Donation towards PS RAAF	Yes	500	Mayoral	No

PORT STEPHENS COUNCIL

27

STRATEGIC COMMITTEE – 5 AUGUST 2008

DATE	APPLICANT	PURPOSE	APPROVED (YES/NO)	AMOUNT \$	MAYORAL/WARD	COMPLIES WITH LEGISLATION
	Williamtown Support Group	Citizen of the Year Award				
27.6.06	PS Veterans Golfers Assoc	Donation in support of the Veterans Golf Tournament	Yes	1000	Mayoral	No
27.6.06	Federation of Parents & Friends Assoc	Donation in support of 25 th Anniversary Celebrations	Yes	500	Mayoral	No
27.6.06	Tilligerry Lions & Habitat Arts Festival	Donation in support of this event	Yes	500	Central	No
27.6.06	Glen Oak School of Arts	Donation in support of the running of this community hall	Yes	339	West	No
27.6.06	Our Lady of Rosary Catholic Church Karuah	Donation to enable the completion of concrete pathways	Yes	1500	West	No

PORT STEPHENS COUNCIL

28

FINANCIAL ASSISTANCE REQUESTS

2006/07

DATE	APPLICANT	PURPOSE	APPROVED (YES/NO)	AMOUNT \$	MAYORAL/WARD	COMPLIES WITH LEGISLATION
25.7.06	Medowie Scout Group	Donation for hall hire	Yes	110	Central	No
25.7.06	Hunter Valley Research Foundation	Support of 50 years celebrations	Yes	792	Mayoral	No
25.7.06	Rotary Club of Nelson Bay	U Turn the Wheel program	Yes	2500	East	No
25.7.06	Shoal Bay Public School	Donation for Rock Est light and sound equip.	Yes	869	East	No
22.8.06	Breast Cancer Aust	Donation in support of the Avon Race	Yes	1000	Mayoral	No
22.8.06	Shoal Bay Public School P&C	Reimbursement of DA fees	Yes	435	East	No
26.09.06	Port Stephens Fellowship of Australia Writers	Donation in support of project to promote their work	Yes	1000	East	No
26.09.06	Hunter River High School	Donation for end of year prizes	Yes	300	West	No
26.09.06	Hunter Valley Vaulting Team	Financial support for team to compete at the State Championships	Yes	1000	Mayoral	No
26.09.06	Mallabulla Panthers Rugby League Club	Donation in support of the Chnaga Benefit Day	Yes	1000	Mayoral	No
26.09.06	Tilligerry Quilters	Sponsorship of prize money for quilt competition	Yes	300	Mayoral	No

PORT STEPHENS COUNCIL

PORT STEPHENS COUNCIL

STRATEGIC COMMITTEE – 5 AUGUST 2008						
DATE	APPLICANT	PURPOSE	APPROVED (YES/NO)	AMOUNT \$	MAYORAL/WARD	COMPLIES WITH LEGISLATION
24.10.06	Rotary Club of Nelson Bay	Donation in support of the Rotary Club Charity Golf Day	Yes	280	Mayoral	No
24.10.06	Mount View High School	Donation in support of the Battle of the Bands	Yes	250	Mayoral	No
24.10.06	Irrawang Public School	Donation in support of the establishment of an educational garden	Yes	200	West	No
24.10.06	Glen Oak School of Arts	Donation in support of the improvements to the hall	Yes	2000	West	No
24.10.06	Port Stephens Music Alliance	Reimbursement of hall hire costs for fund raising concert	Yes	93.20	East	No
28.11.06	Port Stephens Community Choir	Donation towards the purchase of a new keyboard	Yes	1700	Mayoral	No
28.11.06	Irrawang High School	Donation towards the annual student achievement presentation	Yes	200	Mayoral	No
28.11.06	1 st Paterson Bolwarra Scouts Group	Donation towards the purchase of life jackets	Yes	200	West	No
19.12.06	Access Committee of Port Stephens	Donations towards the purchase of a wheelchair for Little Beach	Yes	1190	Mayoral/West 50%	No
19.12.06	1 st Tilligerry Scouts Group	Reimbursement of DA fees	Yes	722.50	Central	No
27.2.07	Thou Walla Family Centre	Contribution towards a sandpit shade	Yes	2000	West	No
27.2.07	Royal Volunteer Coastal Patrol	Reimbursement of carpark costs	Yes	3190.16	East	No

PORT STEPHENS COUNCIL

30

STRATEGIC COMMITTEE – 5 AUGUST 2008						
DATE	APPLICANT	PURPOSE	APPROVED (YES/NO)	AMOUNT \$	MAYORAL/WARD	COMPLIES WITH LEGISLATION
27.2.07	Cancer Council	Relay for Life Sponsorship	Yes	500	Mayoral	No
27.2.07	Raymond Terrace Water Polo	2007 Championships	Yes	500	West	No
27.2.07	Port Stephens Community Care	Seniors Expo	Yes	1000	West	No
27.2.07	Raymond Terrace & District Tennis Club	Easter Open tournament	Yes	2500	Mayoral/West 50%	No
27.2.07	Whale & Dolphin Watch Australia	International Whaling Mission	Yes	2000	Mayoral	No

PORT STEPHENS COUNCIL

31

Issues Identified by Councillors

- Need to inform functions of councils - what are they?
- Need to link to functions in Council Charter and Council Plan
- Advertising will create a lot of disappointment -did it in past and stopped it
- Equity to be determined
- Some areas where more schools etc than others
- Private gain - What is private?
- How do you determine community importance? Person's ability to pay? How big is group they are with?
- How do we determine a function of council?
- Inequity - not all applicants may know that they can apply
- Leave some councillor discretion – we have little power the way it is
- Small donations for Council goodwill
- Current process is open to misuse or 'corruption' eg councillors get a direct benefit even if \$\$ towards community benefit

Future

- The future system should be beyond criticism in its impartiality
- Legally complying
- Transparent
- Consistent with Council Plan
- Advertise annually for potential applicants to apply for specified amounts of money
- A good process will eliminate any suggestion of abuse of the system
- Governance criteria should be tiered. Minimal governance required for small donations.
- Donations equivalent to rate for qualified organisations
- Scaleable
- Seed funding
- Equitable
- Consistent
- Transparent
- Clear guidelines that ensure equity amongst all competing stakeholders
- Leave the Councillors some freedom but make it legal. Help the Councillors to do their bit.
- Review Council's Charter to define the functions of Council.
- Publicly identifiable
- Delivers benefits beyond contribution amount
- Funds have quantum limit (eg small donation to school okay, disadvantaged school)
- Clear criteria

OTHER COUNCILS – BUDGET FOR SECTION 356

Council	Amount	Comments
Canterbury	\$50,000	No mayoral funds. Have a disaster relief fund for emergency use eg Sunami relief etc. Annual application process – panel of staff recommend to council – maximum is \$2000 to a group. Expressions of Interest in May each year.
Great Lakes	\$20,000	Moved from a 'donations' to a 'grants' basis. A committee of three councillors determines on the basis of merit after applications have met an eligibility criterion. \$300 max per grant but if a really special project discretion exists to go to \$500. Call for applications twice per year. Has a Mayor's discretionary fund – amount not known.
Maitland	\$30,000	Mayor also has funds but rarely uses them for donations. Max is \$2000; cannot reapply if successful for three years unless something has materially changed. Must be a different project each year in any case.
Singleton	See note	Have a limited set of specific things they support: \$2000 for the local band; \$250 for Historical Society; 2 x \$100 book prizes; \$350 for garden club; \$2000 for Mayoral Relief Appeal; \$2000 for special events (equivalent to our cultural program); \$500 Upper Hunter Eisteddford; \$6000 for rural halls and the halls committee distribute it; \$3000 for Lions Club Lifestyle Expo – this is really the hire of the Civic Centre for the expo. People apply annually for these. If anyone approaches Council for anything else the Council will decide – as there is no budget they determine what will be dropped from existing funding so that the new project can be funded.

11 September 2007

The General Manager Port Stephens Council PO Box 42 RAYMOND TERRACE
NSW 2324

DEAR SIR REQUESTES FOR FINANCIAL ASSISTANCE POLICY

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2008

During our internal audit visit in July 2007 we were approached to review the proposed changes to requests for financial assistance (“grants”) in accordance with section 356 of the Local Government Act 1993.

Following our review of the documents provided and discussion with Fran Flavel and Tony Wickham, we report on the proposed changes to be made to the grant process.

Current arrangements

The following was noted about the current grant process:

¾ No uniformity in the application process (letters, verbal and forms);
¾ Grants normally given to groups not individuals but there has been some exceptions in the past;
¾ No uniform assessment process, especially with regard to determining if the grant meets legislative

criteria; ¾ Grants are given to many groups on a recurrent basis and some of the grants were for capital

expenditure purposes; ¾ No uniformity in acquittal and reporting process by groups receiving funds; ¾ No uniform “value” returned to Council in the form of recognition and sponsorship; and ¾ Significant flexibility with how Mayoral funds were allocated.

We were also informed the current arrangements had a perception of being misused by the community and Council alike and lacked equity.

Regulatory requirements and recommendations

Following issues identified during the Walgett Shire Council investigations and from the Promoting Better Practice reviews, the Department of Local Government issued a circular in May 2006 *Provision of financial assistance under section 356 of the local government act – developing a financial assistance policy* (06-32).

The core recommendations from this circular were:

¾ Encouraging greater transparency and accountability; ¾ Development of a financial assistance policy; and ¾ This policy should cover issues such as:

- Forms of application for financial assistance;
- Assessment processes, including, where applicable, obtaining supporting information to establish the bona fides of applications;
- Procedures for ensuring public notice is given and for dealing with any public submissions;
- Establishing clear and transparent criteria for the assessment of applications for financial assistance; and
- A procedure for ensuring financial assistance is used by the recipient for the specified purpose.

Proposed changes to Council policies

From our review of the draft policy changes we believe it encompasses the above requirements including:

- Discouraging grants being provided to individuals;
- Setting limits on grants provided to groups to increase equity and uniformity; Establishing an application process requiring forms and therefore increase uniformity and

regimentation; $\frac{3}{4}$ Establishing restrictions on who is eligible for grants to ensure section 356 requirements are being met, namely that only groups that exercise Council functions are funded; $\frac{3}{4}$ Establishing assessment process to review applications including setting guidelines on how

applications will be assessed; $\frac{3}{4}$ Requiring Council approval for grants provided (no delegation); and $\frac{3}{4}$ Requiring acquittal requirements for certain grant types.

The policy goes further to impose increased rigour over the grant process including:

- The policy intends to only fund non-recurrent, one-off and emergency requirements. Although section 356 allows recurrent funding, it is the policy's intention to reduce the "expectation" by the community that this funding will be always available to those organisations who have received it in the past. Should the organisation require recurrent funding then it is felt that this should be applied for under other Council programs and incorporated into the Council Management Plan process;
- Creating a separate policy with regard to waste management "in-kind" funding; and $\frac{3}{4}$ Requires recipients to ensure sponsorship and recognition is provided to Council in providing the support.

We concur that Council should be reducing the perception that funding support is only for the ones "in the know" and those who have received the funding in the past. To increase equity in the process, the limitation to short term non-recurrent needs appears a sound proposition.

The process ensures that other community groups are given as much opportunity for assistance and thus satisfy one of the objectives of section 356 being "the program is uniformly available to all or a significant group of persons within the area". If a community group believes Council support is required every year due to the importance of the service or goods provided to the community, then application for such should occur under other programs and form part of the Council management plan process.

The process also clearly sets out which groups are ineligible due their operations not being deemed as able to assist Council in exercising its functions. This ensures the requirements of the Act are being met.

Other control suggestions

Once the policies are adopted we recommend that Council also considers the following processes:

- Establish a separate accounting general ledger code for successful grant funding payments. This will ensure grants can be monitored against budget

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2008

limitations and also allow Council to review and report on the types of activities that were funded for compliance with its policy;

- Consider the establishment of a database to monitor grant performance including date of application, date of funding, number of years group has been funded, whether acquittal reports have been returned and also other factors such as changes in project since approval;
- Establish procedures to control the new waste management funding including how an application will be assessed for this particular source of in-kind funding, how a group will apply for this support and how will support be monitored including whether the group is within its “waste fee free” limits; and
- Providing an annual report to Council about the performance of the section 356 funding. This report could include compliance with policy and regulation, providing feedback to assist in planning for the following year’s applications and whether there is room for improvement in the process.

Please contact me if you wish to discuss any of the matters raised in this report.

Yours sincerely

**PAUL
CORNALL
PRINCIPAL**

C.C. JUNE SHINE, EXECUTIVE MANAGER CORPORATE MANAGEMENT



DRAFT POLICY

Adopted: Minute No: Amended: Minute No:

FILE NO: PSC2007-2386

TITLE: FINANCIAL ASSISTANCE POLICY

REPORT OF EXECUTIVE MANAGER CORPORATE MANAGEMENT

BACKGROUND

This policy replaces the previous policy *Request for Financial Assistance* (Min. 375, 19 April 2004). The terms 'Minor Works' and 'Ward Funds' are also rescinded for the purposes of this policy and the term Financial Assistance Program describes the distribution of Council funds for the purposes of this policy.

Section 356 of the Local Government Act 1993 provides that Council may provide financial assistance to groups (but not individuals) by way of small grants.

The existing policy needed to be reviewed as it did not contain parameters or guidelines and in consequence Council has inadvertently acted outside the legislation.

The Executive Manager Corporate Management established a PDSA team comprising Councillor Glenys Francis, Dr Fran Flavel, Messrs Tony Wickham and Paul Procter, and the late Mr Greg Heys. In accordance with the Council's continuous improvement process this policy was developed by that team.

In considering improvements to the current process and associated policy the team took advice from a forum of Councillors, and from the Department of Local Government who advised on best practice and its expectations. It also consulted ICAC publications and consulted its internal auditors, Forsyth's. Benchmarking of other comparable councils was also undertaken. In formulating the policy the guidelines contained in the Independent Commission Against Corruption paper: *Sponsorship in the Public Sector* (May 2006) were adopted.

OBJECTIVES

- . To comply with the provisions of Section 356 of the Local Government Act, 1993
- . To provide equitable financial assistance to people and organisations, bearing in mind that the Council is trustee and custodian of public assets and is bound by its charter to effectively account for and manage those assets
- . To promote a sense of community, community harmony and social cohesion
- . To assist communities under stress
- . To encourage people and organisations to help themselves

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2008

- . To ensure fair distribution of activities and services throughout Port Stephens, and
- . To encourage resident participation in activities which benefit the community.

PRINCIPLES

- 1 The Council is a publicly accountable statutory authority. While its funds are finite, the demands on it are unlimited.
- 2 By its own objective and by its charter under law, the Council is custodian and trustee of public money and is required to manage that money effectively and use it legally and efficiently.
- 3 In all areas of expenditure, the Council needs to achieve the best value and return to all residents and ratepayers.
- 4 Allocations of funds must be based on Council's priorities as expressed through the Directional Statements and Goals of its Council Plan.
- 5 Access to information and allocation of funds must be equitable across the Port Stephens Local Government Area.
- 6 "Sponsorship" is a form of advertising and is covered by the Corporate Sponsorship Policy.

POLICY STATEMENT

Port Stephens Council provides grants to non-profit community groups through a Financial Assistance Program. Council's goal in offering this program is to support local activities and projects which improve its community's lifestyle and meet the needs of its residents.

There are four components to the Financial Assistance Program:

- 1 Community Grants – by application from non-profit community groups
- 2 Mayoral Funds – discretionary, one- off assistance to communities within and outside the Port Stephens Council Local Government Area that are the victims of natural or other disasters or emergencies, on behalf of the community of Port Stephens
- 3 Financial Assistance – Disposal of Waste. This component is covered separately in the policy *Financial Assistance for the Disposal of Waste in Port Stephens*.
- 4 Financial Assistance – grants to categories of groups in special circumstances.

The four components are subject to the provisions of Section 356 of the Local Government Act (1993).

POLICY PROVISIONS

Funding - Legislation

- . The purpose of the donation will assist Council in the exercise of its functions. [S356(1)]
- . The donations will directly benefit the community of Port Stephens and evidence demonstrating this outcome will be presented to Council.
- . A donation request from a person who acts for private gain will be dealt with in accordance with Section 356(2) & (3) of the Local Government Act, 1993. Generally Council will not consider donations for a person who is acting for private gain.

Extract of Section 356

- (3) Public notice is not required where:-

- 1 the assistance is part of a specific program which has been included in Council's draft management plan; and
- 2 the program's budget does not exceed 5% of the council's income from ordinary rates for the year; and
- 3 the program is uniformly available to all or a significant group of persons within the area.

Funding – Components and Amounts

An amount of \$60,000 will be available annually to be distributed equally between Council's three wards to provide financial assistance in accordance with this policy – the Community Grants. An amount of \$25,000 annually will be provided to the Mayoral Fund.

For the purposes of the rest of this policy, the two components – the Community Grants and the Mayoral Fund – together constitute the Financial Assistance Program. Funds are not transferable between the two components.

The amount available for the Financial Assistance Program will be reviewed annually as part of Council's budget process.

Community Grants are available equitably to non-profit community groups through an application process conducted twice per year in January and July. Applications will be sought through advertising in local media and on Council's website. Applications are to be made on the Council's Community Grants Application Form and address all questions and criteria thereon.

No application is required for Mayoral Fund donations.

Community Grants amounts up to and including \$500 are available to non-profit community groups without the need to acquit them to Council. Amounts from \$501 to a maximum of \$2000 are available to non-profit community groups for community projects as seed funding, and require acquittal using Council's Community Grants Acquittal Form.

Donations under the Mayoral Fund component will not exceed \$2000 and do not require acquittal.

Funding is not available for projects outside the Port Stephens Council Local Government Area, except in the case of the Mayoral Fund component.

Under the Community Grants component, Council will consider funding different types of projects including community development projects, cultural, sporting and social activities, and direct contributions to volunteer projects supporting financially disadvantaged residents. Funding is not available for projects that fall outside the provisions of the Council Plan.

Council's aim is to share the resources across the community, so its focus is on providing small 'seeding' grants to assist groups establish new projects or activities.

Applicants may submit more than one application in each year, provided the total funding approved does not exceed \$2000.

Applicants must identify in their application any subsidies already provided by Council, including rental subsidies.

Applicants must identify in their applications their status under the Federal Goods & Services Legislation, and include their Australian Business Number. If applicants are exempt under

that legislation they need to provide a statutory declaration to that effect.

Social functions will only be supported where they directly target financially disadvantaged groups. A maximum of \$300 will be contributed to these events.

Outings will only be supported where they directly target financially disadvantaged groups. A maximum of \$300 will be contributed to these events.

Community Grants and Mayoral Fund donations are not available for recurrent events.

Under the Community Grant component, the project/activity for which funding is sought must be completed within twelve months of funding being granted.

Council will not fund:

- illegal activities
- capital items or equipment
- government departments and government agencies
- schools and school-based parent committees
- political activities
- commercial activities
- fundraising activities
- payment of refundable bonds required to be lodged in association with the hire of facilities and equipment.
- recurrent administration costs for an existing service such as rent, salaries, telephone, electricity, insurance
- legal and incorporation costs
- costs already spent
- payment for ongoing salaries (one off facilitator/trainer fees for a project may be paid from the grant)
- projects already conducted and where the applicants are seeking funds to meet past shortfalls.

Groups should submit applications for different projects in different years. After three consecutive years of funding, a group becomes ineligible for consideration until a further twelve months have elapsed.

Applicants who submit identical projects to those in previous years must target new localities or new populations within Port Stephens Local Government Area to be considered for Community Grant funding.

Assessment

The responsible Executive Officer will examine all applications for Community Grants and advise Councillors that they conform to the provisions of this policy; and the provisions of the Council Plan; and conform to the legislation. Only applications that meet these criteria will be forwarded to Council for consideration.

Council will give priority to groups which, through their project will clearly provide significant benefit to the people in Port Stephens Local Government Area.

Council will consider the capacity of the group to deliver the project.

Council will consider whether a group has received Council funding in the past and the group's ability to raise funds from other sources.

Council will give priority to programs and services that have no other source of funding.

Groups who receive in-kind contributions and other assistance from Council such as rent subsidies or assistance under the Financial Assistance for the Disposal of Waste policy will be considered a low priority.

Council will not consider late applications. If an application is not received by the closing date specified on the application form it will not be referred to Council.

The responsible Executive Officer will submit a report to Council within one month of the closing date of the application process.

The elected Council makes the final determination on which applications will be approved for funding in accordance with this policy and guidelines, and what amount is to be allocated. Depending on funding priorities and the availability of other resources, Council may determine to partially or fully fund projects as submitted within the allocated budget.

Council's decision is final and there will be no further negotiation. Council will publish information about its decision in local newspapers and on Council's website.

Role of Council Staff

Council staff may advise potential groups or applicants of the opportunity to apply for grants and the processes involved. Council staff must not provide any assurances or otherwise encourage any community group to assume that they will be successful in obtaining grants under this policy.

Applications where staff members are members of the group seeking funding should acknowledge that a staff member is a member of the group in their application, and establish the role of the staff member in that group.

Use of Funds

Council funding must only be used for the purpose given in the application. If the group is no longer able or willing to apply the funds for that purpose, all funds must be immediately returned to Council.

In providing groups with a grant, Council may identify specific conditions about the way Council's funding is used. In accepting the Community Grant applicants agree to abide by any applicable special conditions.

If applicants receive a grant or donation Council expects that the successful applicants will adhere to the principles of Access and Equity in the way they provide and administer funded projects.

Successful applicants must comply with recognised Australian Standards and must observe any Federal, State or Local Government legislation, regulations or guidelines.

Where possible, Council encourages groups to share resources provided through the Financial Assistance Program with other groups.

Successful applicants must recognise Council as the provider of funding for the project/activity in any promotions, publicity or publications produced about the project.

Accountability for Funds

Successful applicants are accountable to Council for the administration of any funds provided to them.

Council must immediately be notified, and groups obtain Council's approval of, any changes in the proposed use of Council funding. Where Council does not approve of any change, groups must immediately return any funding provided by Council under the program.

Successful applicants must notify us of any significant change to management structure, aims and objectives or representative contacts for the group.

If a group receives over \$500 from Council, a written report on the use of Council funds should be made on the Council's Community Grant Acquittal Form.

The acquittal should include receipts and also any relevant publicity, promotional material or product associated with the project.

Council will provide a Community Grant Acquittal Form which must be returned within twelve months of receiving the funding. Groups will not be eligible for funds in any future round of the program if this completed acquittal is not received.

RELATED POLICIES

The Port Stephens Council Code of Conduct

Financial Assistance for the Disposal of Waste Policy

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Provision of financial assistance to the community of Port Stephens will assist in providing monetary contributions in relation to community/council activities.

ECONOMIC IMPLICATIONS

Financial Assistance funds will be provided from the adopted Council budget for the relevant year.

ENVIRONMENTAL IMPLICATIONS

Nil

RELEVANT LEGISLATIVE PROVISIONS

Section 356, Local Government Act 1993

Department of Local Government Circular 06/32 – *“Provision of financial assistance under section 356 of the Local Government Act – developing a financial assistance policy”*.

Independent Commission Against Corruption: *“Sponsorship in the Public Sector”* (May 2006)

IMPLEMENTATION RESPONSIBILITY

Through Council's Executive Officer

REVIEW DATE

Two (2) years from the date of adoption or due to change in legislation requirements.



Community Grants

Information for Applicants

INTRODUCTION

Port Stephens Council provides grants to non-profit community groups through a Financial Assistance Program. Council's goal in offering this program is to support local activities and services which improve its community's lifestyle and meet the needs of its residents.

Council's aim is to share the resources across the community, so its focus is on providing small 'seeding' grants to assist groups establish new programs or activities.

Only non-profit groups or organisations are eligible to apply for Community Grants.

HOW MUCH ARE THE COMMUNITY GRANTS?

There are two types of grants:

- 1 Community Grants amounts up to and including \$500 are available to nonprofit community groups without the need to acquit them to Council.
- 2 Community Grants for amounts from \$501 to a maximum of \$2000 are available to non-profit community groups for community projects as seed funding, and require acquittal using Council's Community Grants Acquittal Form.

Applicants may submit more than one application in each year, provided the total funding approved does not exceed \$2000.

WHAT CAN COMMUNITY GRANTS BE USED FOR?

Council will consider funding different types of projects including community development projects, cultural, sporting and social activities, and direct contributions to volunteer projects supporting financially disadvantaged residents.

Social functions will only be supported where they directly target financially disadvantaged groups. A maximum of \$300 will be contributed to these events.

Outings will only be supported where they directly target financially disadvantaged groups. A maximum of \$300 will be contributed to these events.

WHAT IS NOT ELIGIBLE FOR A COMMUNITY GRANT?

Funding is not available for projects outside the Port Stephens Council Local Government Area.

Community Grants are not available for recurrent events. Applicants who submit identical projects to those in previous years must target new localities or new populations within Port Stephens Local Government Area to be considered for Community Grant funding.

Applications from individuals cannot be accepted. Council will not fund:

- illegal activities
- capital items or equipment
- government departments and government agencies
- schools and school-based parent committees
- political activities
- commercial activities
- fundraising activities
- payment of refundable bonds required to be lodged in association with the hire of facilities and equipment.
- recurrent administration costs for an existing service such as rent, salaries, telephone, electricity, insurance
- legal and incorporation costs
- costs already spent
- payment for ongoing salaries (one off facilitator/trainer fees for a project may be paid from the grant)
- projects already conducted and where the applicants are seeking funds to meet past shortfalls.

USE OF FUNDS

The project/activity for which funding is sought must be completed within twelve months of funding being granted.

Council funding must only be used for the purpose given in the application. If the group is no longer able or willing to apply the funds for that purpose, all funds must be immediately returned to Council.

In providing groups with a grant Council may identify specific conditions about the way Council's funding is used. In accepting the Community Grant applicants agree to abide by any applicable special conditions.

HOW TO APPLY

In July each year Council will advertise in local media and on its website for applications from community groups and organisations who are eligible to receive a Community Grant.

Community Grant Application Forms will be available on Council's website or from Council's Administration Building at 116 Adelaide Street, Raymond Terrace Tel: 02 49800398 or email: VVVVV

Your completed Community Grant Application Form and any attachments should be submitted to arrive at Port Stephens Council's Administration Building no later than close of business on (CLOSING DATE).

Applications should be addressed **Community Grants**

Applications may be mailed to: PO Box 42, Raymond Terrace NSW 2324

Or

Delivered to: Port Stephens Council Administration Building, 116 Adelaide Street, Raymond

Terrace

Or

Emailed to : (XXXXXX)

Applications must be received on or before the closing date at the Council's Administration

Building, 116 Adelaide Street Raymond Terrace.

Applications received after the advertised closing date will not be accepted or eligible for a

Community Grant in that year, but may be submitted again in the following year, within the closing timeframe. Applications are assessed against the eligibility criteria and successful applicants will be

advised in writing within thirty (30) days of the closing date, with details on how the Grant will be paid.

NEED MORE INFORMATION?

If you have any queries please contact XXXXXXXXXXX, Council's XXXXXX on 49800255. or email VVVVVVVVVV@CCCCC



Community Grants

Application Form

Applications may only be made by non-profit organisations.

All applications must complete Parts A – D; Applications for amounts in excess of \$500 up to \$2000 (maximum) must read and acknowledge Part E.

Application Closing Date:

If you have any queries please contact XXXXXXXXXXX, Council's XXXXXX on 49800255.

Please ensure that you have read the Council's Financial Assistance Program policy before completing this form. Copies are available on (Put link inhere) or by contacting the Council or visiting the Administration Building at 116 Adelaide Street, Raymond

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2008

Terrace.

Note: Separate Application Forms are required if funding is sought for more than one project/activity.

Name of Organisation:	
Address:	
Contact Person:	
Position:	
Telephone:	
Mobile:	
Email:	

Part A – Financial

1.(a) What is the total amount of your request (exclusive of GST)?	\$.....
1.(b) What is the total cost of the project (exclusive of GST)? If	\$.....
1.(c) Council is not the sole source of funds for the project, please provide details of the source of other funds:	
1(d) Why is the project not able to be funded from other sources?	
2. <i>notan</i>	Yes/No
Is your group/organisation registered for GST? <i>If Yes, please quote your ABN (Australian Business Number)</i> <i>If No, please attach a statutory declaration stating that you are registered for GST.</i> Successful applications do not need to be registered for GST or have ABN to receive a Community Grant, however if your group/organisation does have an ABN please supply the information.	

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2008

6. Evaluation – How will your organisation know if the project/activity has successfully met the project outcomes described in 5. above?

7. Please list donations given to your organisation by Council over the last three (3) years.

Amount Received	Date	Purpose to which funds were applied

8. Has your organisation made application for financial assistance from other bodies in the last 12 months? Yes/No *If Yes, please give details below.*

Funding Body	Date Application Lodged	Amount Sought	Amount Granted

4. What are the membership eligibility requirements?

5. What contribution do volunteers make to your organisation?

6. Please attach your organisation's most recent Profit & Loss Statement and Balance Sheet to your application.

Part C Additional Information

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2008

Name of Organisation:
Name of Project:
What was the Community Grant used for?
When was the activity held and/or project completed?
How many residents from Port Stephens benefited from this project/activity?
How did local residents benefit from this activity/project?

Please complete funding acquittal:

INCOME:			
Source of Income	Cash (\$)	In Kind	Total (\$)
Total			

EXPENDITURE:			
Type of Expenditure	Cash (\$)	In Kind	Total (\$)

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2008

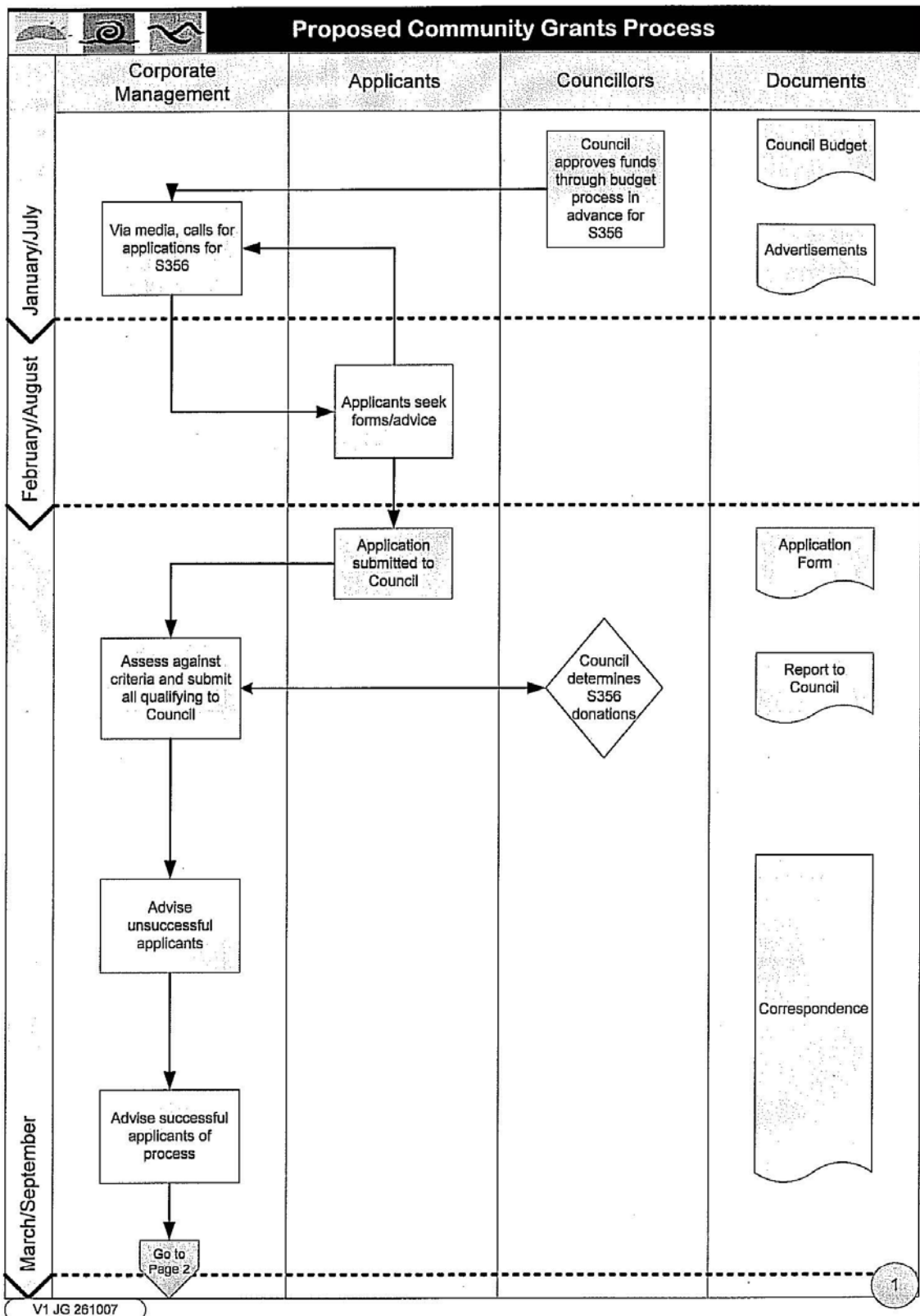
Total			
--------------	--	--	--

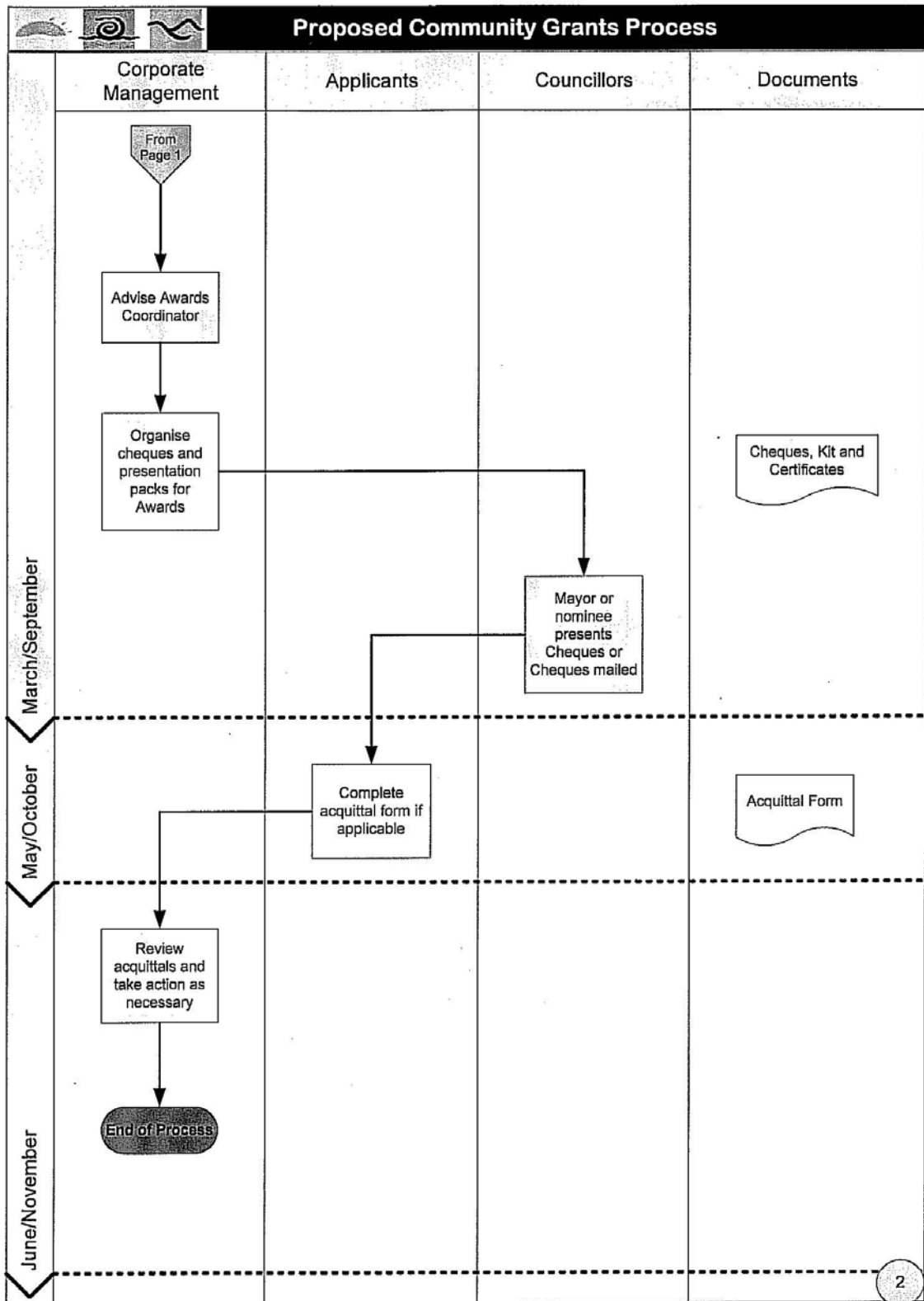
Copies of supporting documentation such as a summary of receipts, accounts and financial statements should be supplied.

Commentary on performance including achievement of outcomes identified, public presentation and attendance, involvement of volunteers and acknowledgement of the contribution from Port Stephens Council should form part of the evaluation against the expected outcomes detailed in the application.

Return of Unspent Funds

Funds which are unspent at the conclusion of the funding period must be returned to Council within sixty (60) days of the completion of the project, activity or event, or prior to the end of the financial year, whichever occurs first.





GENERAL MANAGER'S REPORT

**PETER GESLING
GENERAL MANAGER**

ITEM NO. 1

FILE NO: PSC2005-4161

**TEMPORARY SUSPENSION OF SECTION OF NELSON BAY CBD
ALCOHOL-FREE ZONE (AFZ)**

REPORT OF: TREVOR ALLEN - INTEGRATED PLANNING MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves the temporary suspension of a section of the Nelson Bay Alcohol-Free Zone on 7 November 2008 between 5.30pm and 10.00pm, 8 November 2008 between 9.00am and 11.00pm and on 9 November 2008 between 9.00am and 6.00pm in the area shown in Attachment 1 of this report, for the facilitation of the 8th *Annual Tastes of the Bay Food, Wine and Jazz Festival*.
-

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

233	Councillor Robinson Councillor Nell	It was resolved that the recommendation be adopted.
------------	--	--

BACKGROUND

The purpose of this report is to inform Council that a request has been received from Nelson Bay Town Management Inc to temporarily suspend a specific area of the Nelson Bay Alcohol-Free Zone (AFZ) during this year's *Annual Tastes of the Bay Food, Wine and Jazz Festival*.

The area for which approval is sought (as shown in attachment 1) is: -

- the d'Albora Marina foreshore area and out to 'Cruise In' east of the Marina boundary on the foreshore;
- Apex Park;
- Stockton Street between Magnus Street and Victoria Parade;

The hours of suspension would be between 5.30pm and 10.00pm on 7 November, between 9.00am and 11.00pm on 8 November and between 9.00am and 6.00pm and 9 November. At all other times the area would operate as an AFZ.

Nelson Bay Town Management Inc and d'Albora Marina have undertaken to employ security staff to patrol these areas during the suspension of the AFZ. These staff will also supervise the exiting of the areas at the end of the requested times to ensure that people are aware that AFZ conditions should be observed. All staff and volunteers involved in the handling of alcohol will be required to have Responsible Service of Alcohol training.

As required, Council will inform the public of the proposed area and hours of the suspension by notice published in the local paper at least 7 days before the event.

LINKS TO CORPORATE PLANS

The links to the 2007-2011 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL AND POLICY IMPLICATIONS

Suspensions of AFZ are guided by Section 645 of the *Department of Local Government's Ministerial Guidelines on AFZ*, which state: -

A Council is not limited in the reasons for which it may suspend... an alcohol-free zone. A suspension would not usually be appropriate for any period longer than one month, and generally would be of a much shorter duration (eg. to accommodate a specific event).

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

2) **CUSTOMERS** – *Understand what makes markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*

4) **PEOPLE** – *Develop and value people's capability and release their skills, resourcefulness and creativity to change and improve the organisation.*

5) **CONTINUOUS IMPROVEMENT** – *Develop agility, adaptability and responsiveness based on a cultural of continual improvement, innovation and learning.*

6) **INFORMATION AND KNOWLEDGE** – *Improve performance through the use of data, information and knowledge to understand variability and to improve strategic and operational decision making.*

7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Suspension of the AFZ in these areas could possibly lead to an increase in alcohol related crime and anti-social behaviour. However, as this function will be monitored by security staff and Police, this is unlikely to occur.

ECONOMIC IMPLICATIONS

The suspension of the AFZ will allow the *Annual Tastes of the Bay Food, Wine and Jazz Festival* to take place. This annual festival attracts tourists to Port Stephens and helps promote the area, increasing income and employment opportunities.

ENVIRONMENTAL IMPLICATIONS

The event organisers will remove and dispose of all waste generated by the event. This includes regular checks and removal of any rubbish on the beach throughout the event.

CONSULTATION

The local Police have been notified and support the proposal subject to the presence of security guards who will monitor the event for the duration of the suspension.

OPTIONS

- 1) To accept the recommendation
- 2) To amend the recommendation
- 3) To reject the recommendation calling for more information to support the report

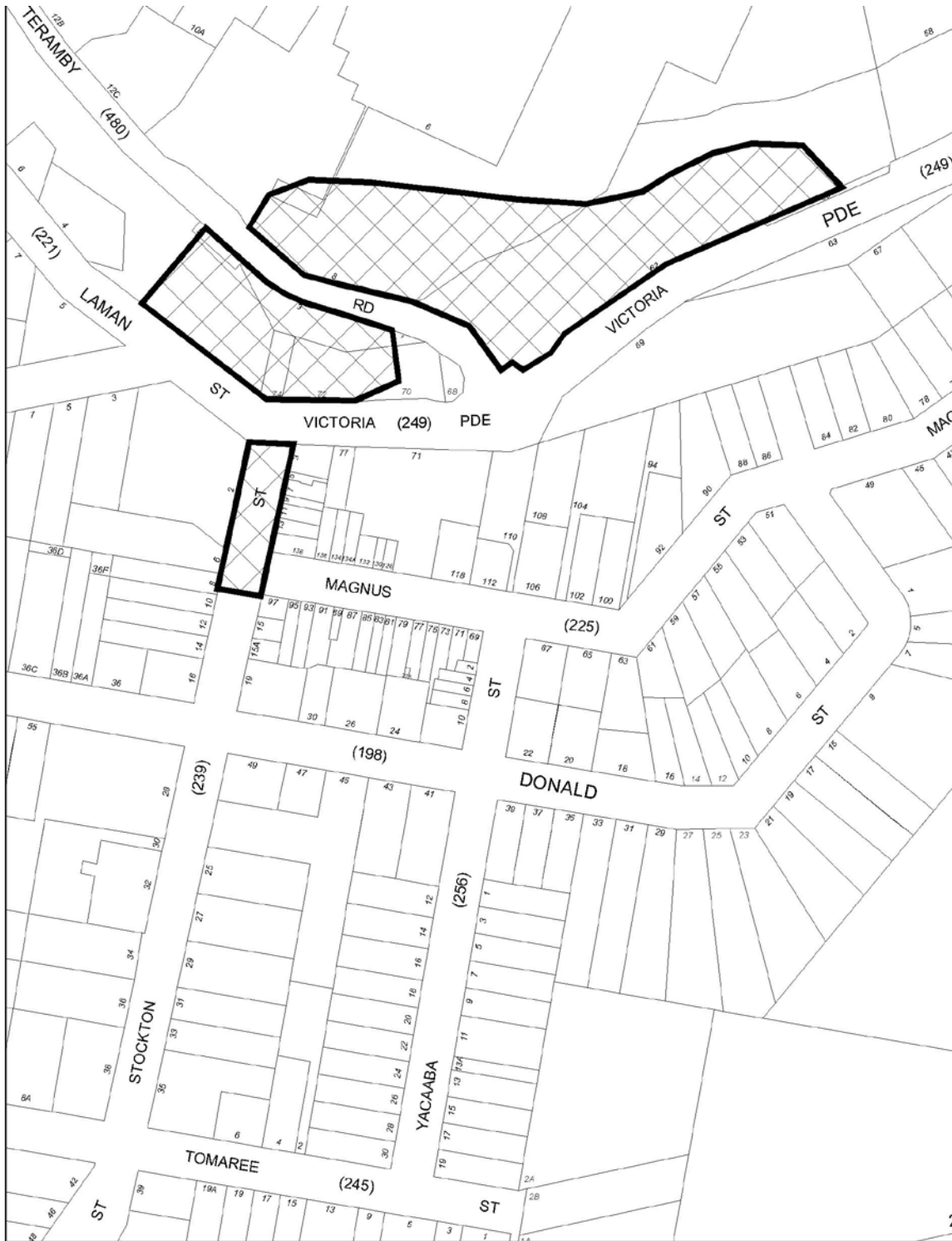
ATTACHMENTS

- 1) Map identifying proposed area affected by the temporary suspension of the Nelson Bay AFZ.

TABLED DOCUMENTS

- 1) Nil

ATTACHMENT 1
MAP IDENTIFYING PROPOSED AREA AFFECTED BY THE TEMPORARY SUSPENSION OF THE NELSON BAY AFZ



Port Stephens
C.O.U.N.C.I.L.
... a community partnership



AFFECTED AREAS

DISCLAIMER

Port Stephens Council accepts no responsibility for any errors, omissions or inaccuracies whatsoever contained within or arising from this map. Verification of the information shown should be obtained by the relevant officers at council.

© Department of Information Technology & Management 2000
© Port Stephens Council 2000

This map is not to be reproduced without prior consent.

NOT TO SCALE

PRINTED CN: 23.08.05

ITEM NO. 2

FILE NO: A2004-0136

INCREASE IN LOCAL GOVERNMENT ASSOCIATION (LGA) & AUSTRROADS MEMBERSHIP 2008-2009

REPORT OF: PETER GESLING – GENERAL MANAGER

RECOMMENDATION IS THAT COUNCIL:

- 1) Reject the additional 5% increase in the LGA subscription and Austroads membership for the 2008-2009 financial year.
2. Support the 3.2% increase in the LGA subscription and Austroads membership for the 2008-2009 financial year.
3. Write to the LGSA asking for the associations to clearly demonstrate why Councils in NSW should wear the additional 5% increase, when Councils have the same dilemma as the LGSA and will have to reduce services to its residents and ratepayers in order to meet the cost shifting by the LGSA.
4. Request the LGSA to send a replacement tax invoice for the 2007-2008 fees plus the 3.2% increase.

ORDINARY MEETING – 26 AUGUST 2008**RESOLUTION:**

234	Councillor Westbury Councillor Nell	It was resolved that the recommendation be adopted.
------------	--	--

BACKGROUND

The purpose of this report is to inform Council that a request from the Local Government and Shires Association of NSW (LGSA) has been received advising of an increase to the LGA subscription and the Austroads membership for the 2008-2009 financial year by an additional 5% on top of the rate pegging limit of 3.2%.

The LGSA sent a letter to all Mayors in NSW on 17 June 2008 explaining the reasons for the additional increase. The letter quite clearly demonstrated that the increases over the past few years have been set in accordance with the rate pegging limit.

At the Hunter Councils GMAC meeting held on Thursday 3 July 2008, it was decided unanimously to recommend that all Councils reject the additional 5% increase until the LGSA could provide justification for the additional increase.

New tax invoices will need to be distributed to Councils if the additional increase is not paid. Councils will need to be issued with a tax invoice for the 2007-2008 fee plus 3.2%.

If the additional 5% increase can be substantiated by the LGSA, then an additional tax invoice for the 5% could be sent to all Councils in due course.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

The current Management Plan for the 2008-2009 financial year has an allowance for a 4.0% increase to the subscription and membership fees. The increase being 4.2% over the increase allowed for in the 2008-2009 budget.

LEGAL AND POLICY IMPLICATIONS

Nil

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 1) **LEADERSHIP** – *Lead by example, provide clear direction, build organisational alignment and focus on sustainable achievement of goals.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*
- 8) **SUSTAINABLE RESULTS** – *Focus on sustainable results, value and outcomes.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

GMAC

OPTIONS

- 1) Adopt the recommendation
- 2) Amend the recommendation
- 3) Reject the recommendation

ATTACHMENTS

Nil

ITEM NO. 3

FILE NO: PSC2005-5185

REQUEST FOR FINANCIAL ASSISTANCE

REPORT OF: JUNE SHINE – ACTING GROUP MANAGER, CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Approves provision of financial assistance under Section 356 of the Local Government Act from the respective Mayor and Ward Funds to the following:-
 - a) Breast Cancer Institute of Australia -\$500 – Contribution towards Avon Race for Research into Breast Cancer from Mayoral Funds.
 - b) Raymond Terrace Art Show -\$2000- Contribution towards the Port Stephens Council Award from Mayoral Funds.
 - c) Tanilba Bay/Mallabula Progress Association - \$200 - Contribution towards costs to inscribe a plaque from Mayoral Funds
 - d) Port Stephens Family Support Service Inc - \$100 – Contribution towards construction of a vegetable patch for the children and family support services.
 - e) Creating the Spirit – \$3000 – Contribution towards installation of clay tile artworks at Raymond Terrace foreshore from West Ward.
 - f) Tilligerry Adult and Community Education Inc - \$500 - Contribution towards relocation costs from Central Ward.
 - g) Nelson Bay Town Management - \$3000 – Contribution towards the purchase of steel pole to affix CCTV Cameras with the costs from East Ward.
 - h) Rotary Club of Nelson Bay - \$1000 - Contribution towards the annual Charity Golf Day with costs from East Ward.
 - i) Soldiers Point, Salamander Bay Tidy Towns and Landcare 355b Committee - \$4000 – Contribution towards the construction of the rock wall at Wanda Headlands from East Ward.
 - j) Smiling Group - \$500 – Contribution towards a First Aid course from East Ward.
 - k) Hunter Life Education -\$1000 – Contribution towards conducting Teenage Forums Across Port Stephens from all Wards

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

235	Councillor Westbury Councillor Dover	It was resolved that the recommendation be adopted.
------------	---	--

BACKGROUND

The purpose of this report is to determine and, where required, authorise payment of financial assistance to recipients judged by Councillors as deserving of public funding. The Council’s policy gives Councillors a wide discretion to either grant or to refuse any requests.

The Council regularly receives requests for financial assistance from community groups and individuals. However, Council is unable to grant approval of financial assistance to individuals unless it is performed in accordance with the Local Government Act. This would mean that the financial assistance would need to be included in the Management Plan or Council would need to advertise for 28 days of its intent to grant approval. Council can make donations to community groups.

Council’s policy for financial assistance has been developed on the basis it is “seed” funding and that there is benefit to the broader community. Funding under Council’s policy is not intended for ongoing activities.

The requests for financial assistance are shown below:-

MAYORAL DONATIONS

Breast Cancer Institute of Australia	Contribution towards Avon Race for Research into Breast Cancer	\$500
Raymond Terrace Art Show	Contribution towards the Port Stephens Council Award	\$2000
Tanilba Bay/Mallabula Progress Association	Contribution towards costs to inscribe a plaque.	\$200
Port Stephens Family Support Service Inc	Contribution towards construction of a vegetable patch for the children and family support services.	\$100

WEST WARD – Crs Brown, Francis, Jordan & Hodges

Creating the Spirit	Contribution towards installation of clay tile artworks at Raymond Terrace foreshore.	\$3000
Hunter Life Education	Contribution towards conducting Teenage Forums Across Port Stephens	\$334

CENTRAL WARD – Crs Swan, Tucker & Dingle

Tilligerry Adult and Community Education Inc	Contribution towards relocation costs.	\$500
Hunter Life Education	Contribution towards conducting Teenage Forums Across Port Stephens	\$333

EAST WARD – Crs Nell, Dover, Westbury & Robinson

Nelson Bay Town Management	Contribution towards the purchase of steel pole to affix CCTV Cameras	\$3000
Rotary Club of Nelson Bay	Contribution towards the annual Charity Golf Day	\$1000
Soldiers Point, Salamander Bay Tidy Towns and Landcare 355b Committee	Contribution towards the construction of the rock wall at Wanda Headlands	\$4000

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2008

Smiling Group	Contribution towards a First Aid course	\$500
Hunter Life Education	Contribution towards conducting Teenage Forums Across Port Stephens	\$333

LINKS TO CORPORATE PLANS

The Council's Management Plan does not have any program or stated goal or objective for the granting of financial assistance.

FINANCIAL/RESOURCE IMPLICATIONS

Council Ward Funds are the funding source for all financial assistance.

LEGAL AND POLICY IMPLICATIONS

To qualify for assistance under Section 356(1) of the Local Government Act, 1993, the purpose must assist the Council in the exercise of its functions. Functions under the Act include the provision of community, culture, health, sport and recreation services and facilities.

The policy interpretation required is whether the Council believes that:

- a) applicants are carrying out a function which it, the Council, would otherwise undertake;
- b) the funding will directly benefit the community of Port Stephens;
- c) applicants do not act for private gain.

The policy has other criteria, but these have no weight as they are not essential. These criteria are:

- a) a guarantee of public acknowledgment of the Council's assistance
- b) the assistance encouraging future financial independence of the recipient
- c) the assistance acting as 'seed' funding with a multiplier effect on the local economy.

Australian Business Excellence Framework

This aligns with the following ABEF Principles. (Please delete what is not applicable)

- 3) Understanding what customers value, now and in the future, influences organisational direction, strategy and action
- 10) Organisations provide value to their community through their actions to ensure a clean, safe, fair and prosperous society
- 11) Sustainability is determined by an organisation's ability to create and deliver value for all stakeholders

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Mayor
Councillors

OPTIONS

- 1) Adopt the recommendation.
- 2) Vary the dollar amount before granting each or any request.
- 3) Decline to fund all the requests.

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 4

FILE NO: A2004-0259

SISTER CITIES

REPORT OF: JUNE SHINE – ACTING GROUP MANAGER, CORPORATE SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Provide the specified funding of \$2000 for the 20th Anniversary Dinner to be held on 18th October 2008. Council will also provide “in kind” support for Secretarial Support, printing and design of tickets for the dinner and receive all payments of tickets from those attending.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

236	Councillor Nell Councillor Westbury	It was resolved that the recommendation be adopted
------------	--	---

BACKGROUND

The purpose of this report is to advise Council of a request for funding by Port Stephens Sister Cities committee. Sister Cities committee is a 355B Committee which provides opportunities for Port Stephens citizens and youth to experience the culture of other nations.

Specifically the committee is requesting funds for the 20th Anniversary Dinner which is to be held on the 18th October 2008. The amount requested is \$2000 for the printing of a memorial booklet. In addition they are seeking:

- Secretarial help to send out invitation from the Mayors office.
- Printing and design of approximately 70 tickets for the dinner.
- Responses and payment of tickets to be through Council with money being collected by Council staff and held for Sister Cities until distribution.

LINKS TO CORPORATE PLANS

The links to the 2008-2012 Council Plan are:-

SOCIAL SUSTAINABILITY – *Council will preserve and strengthen the fabric of the community, building on community strengths.*

CULTURAL SUSTAINABILITY – *Council will assist to inspire a sense of pride and place as well as enhancing quality of life and defining local identity.*

ECONOMIC SUSTAINABILITY – *Council will support the economic sustainability of its communities while not compromising its environmental and social well being.*

ENVIRONMENTAL SUSTAINABILITY – *Council will protect and enhance the environment while considering the social and economic ramifications of decisions.*

BUSINESS EXCELLENCE – *Council will use the Business Excellence Framework to innovate and demonstrate continuous improvement leading to long-term sustainability across operational and governance areas in a Business Excellence Journey*

FINANCIAL/RESOURCE IMPLICATIONS

An amount of \$ 2000 is requested for the 20th Anniversary dinner.

LEGAL AND POLICY IMPLICATIONS

Nil

Business Excellence Framework

Port Stephens Council is a quality driven organisation. We use the Business Excellence Framework as a basis for driving organisational excellence. The Framework is an integrated leadership and management system that describes elements essential to organisational excellence. It is based on eight (8) principles.

These outcomes align with the following Business Excellence principles:-

- 2) **CUSTOMERS** – *Understand what markets and customers value, now and into the future, and use this to drive organisational design, strategy, products and services.*
- 4) **PEOPLE** – *Develop and value people’s capability and release their skills, resourcefulness and creativity to change and improve the organisation.*
- 7) **CORPORATE AND SOCIAL RESPONSIBILITY** – *Behave in an ethically, socially and environmentally responsible manner.*

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

Sister Cities provides opportunities for the youth and greater community to be involved in exchanges and have contact and networking opportunities internationally.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

CONSULTATION

Nil

OPTIONS

Adopt the recommendation

ATTACHMENTS

Nil

COUNCILLORS ROOM

Nil

TABLED DOCUMENTS

Nil

ITEM NO. 5**INFORMATION PAPERS****REPORT OF: JUNE SHINE – ACTING GROUP MANAGER CORPORATE SERVICES**
-----**RECOMMENDATION IS THAT COUNCIL:**

Receives and notes the Information Papers listed below being presented to Council on 26 August, 2008.

No:	Report Title	Page:
1	Hunter Valley Research Annual Report	43
2	Proposed amendment to LEP 2000 to rezone land Nelson Bay Rd 44 Fullerton Cove.	
3	Summary of Legal Matters	46

-----**ORDINARY MEETING – 26 AUGUST 2008****RESOLUTION:**

237	Councillor Nell Councillor Westbury	It was resolved that the recommendation be adopted.
------------	--	--

MATTER ARISING:

238	Councillor Francis Councillor Brown	It was resolved that a quarterly report re Shark and Ray Centre be tabled through Council's Business Paper as was resolved at the Ordinary meeting of Council held on 27th May 2008 (Minute No: 116)
------------	--	--

GENERAL MANAGERS INFORMATION PAPERS



INFORMATION ITEM NO. 1

**2006-07 HUNTER VALLEY RESEARCH FOUNDATION – ANNUAL
REPORT**

**REPORT OF: PETER GESLING – GENERAL MANAGER
FILE: A2004-1221**

BACKGROUND

The purpose of this report is to table the Hunter Valley Research Foundation Annual Report 2006-07.

TABLE DOCUMENT

- 1) 2006-07 Annual Report Hunter Valley Research Foundation

INFORMATION ITEM NO. 2

**PROPOSED AMENDMENT TO LOCAL ENVIRONMENTAL PLAN 2000
TO REZONE LAND – NELSON BAY ROAD FULLERTON COVE**

**REPORT OF: TREVOR ALLEN – MANAGER INTEGRATED PLANNING
FILE: PSC2006-1004**

BACKGROUND

The purpose of this report is to advise Council that a response has been received from the Department of Planning in relation to the proposed rezoning of land owned by Boral at Fullerton Cove.

At the Ordinary Meeting of 18 December 2008 Council resolved to prepare a draft Local Environmental Plan over Lots 1 and 2 DP 1006399 and Lot 3 DP 664552 Nelson Bay Road, Fullerton Cove for residential and environmental purposes subject to the preparation of a Facilities and Services Study for the Fern Bay / Fullerton Cove area. The Department of Planning was advised of Council's decision in February 2008 following the preparation by Boral of a draft Statement of Intent to meet Council's resolution to prepare a Study.

A response from the Department of August was received on 1st August 2008. A copy of this letter is attached for Council's consideration.

Council is advised that the applicant ERM Australia has been sent a copy of the Department of Planning's letter.

ATTACHMENTS

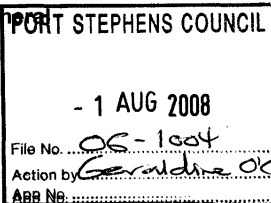
- 1) Department of Planning letter dated 27th July 2008 received by Council on 1st August 2008.

ATTACHMENT 1
DEPARTMENT OF PLANNING LETTER 27 JULY 2008



NSW GOVERNMENT
Department of Planning

Office of the Director-General



Contact: Garry Forster
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Garry.Forster@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle 2300

Mr Peter Gesling
General Manager
Port Stephens Council
PO Box 42
RAYMOND TERRACE NSW 2324

Our ref: N08/00015
Your ref: PSC2006-1004

Dear Mr Gesling

Re: Section 54(4) Notification – Draft Amendment to Port Stephens LEP 2000

I am writing in response to Council's letter dated 22 February 2008 advising, pursuant to section 54(4) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), of the Council's decision to prepare a draft local environmental plan ('LEP') to rezone Lots 1 & 2 DP 1006399 and Lot 3 DP 664552 Nelson Bay Road, Fullerton Cove from 1(a) Rural Agriculture to 2(a) Residential to provide for 1100 dwellings, 3(a) Business General and 7(a) Environment Protection.

The Department has given careful consideration to the proposed draft amendment and it is not supported for the following reasons:

- It is inconsistent with the Lower Hunter Regional Strategy in a number of areas and most importantly, it does not identify the land for future urban purposes. The Sustainability Criteria for land outside designated areas in the Regional Strategy have not been addressed and there is no demonstrated need for further residential land to be released in this area.
- It is inconsistent with the Council's local strategy – Draft Port Stephens Community Settlement and Infrastructure Strategy. Any consideration of rezoning of this land is also premature given that the infrastructure and servicing strategy proposed by the Council for Fullerton Cove and Fern Bay is incomplete.
- The proposal is inconsistent with the section 117 directions, particularly 1.2 Rural Zones, 2.1 Environmental Protection Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies.
- The Regional Strategy identifies the land as "Non Coal Extractive Resources". The information provided with Council's section 54 notification indicates that consent was granted by the Minister for Planning in 2006 for wind-blown sand extraction on the eastern edge of the site, an extraction activity with a potential life of 20 years. There has been no demonstrated justification for the potential sterilisation of these sand resources.
- In addition to the resource values of the site, the land has significant environmental and hazard attributes which appear to be incompatible with the site being released for urban development.

Bridge Street Office: 23-33 Bridge Street Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website: planning.nsw.gov.au

INFORMATION ITEM NO. 3

SUMMARY OF LEGAL MATTERS 2006-2008 – DEVELOPMENT & BUILDING

**REPORT OF: SCOTT ANSON – MANAGER DEVELOPMENT & BUILDING
FILE: PSC2005-5521**

BACKGROUND

The purpose of this report is to inform Councillors of the current position regarding recent and current Council's legal cases dealt with by the Development & Building Section over the past eighteen (18) months.

Council has responded to seven (7) Class 1 matters (planning merit appeals) commenced up to and during 2006/2007 with some carrying forward into 2007/2008. Council has initiated eleven (11) Class 4 matters (to restrain a breach of the Environmental Planning & Assessment Act 1979) up to and during 2006/2007 with some carrying forward into 2007/2008.

There were no Class 4 matters commenced during 2007/2008 and four (4) Class 1 matters were commenced during 2007/2008 of which one matter is continuing during 2008/2009.

Development & Building has been successful in negotiating a number of settlements involving the recovery of substantial legal costs assisted by the Legal Policy Framework prepared in partnership with Council's Corporate Management Section. Legal costs recovered have been offset by adverse cost judgements incurred in a Court of Appeal matter. The specific matter related to a point of law arising from a Land & Environment Court judgement which impacted on local government in general. This specific matter qualifies for financial assistance via the Local Government & Shires Association which will assist with Council's costs incurred.

The implementation of the Compliance Policy has certainly assisted with the resolution of issues before the need to initiate Court proceedings.

It should be noted that the amounts identified in Attachment 1 reflect legal costs associated with Council's legal providers, expert witnesses and the like and do not include Council employees professional time and related disbursements redirected away from other Council services.

At the start of the 2008/09 financial year, Council had one substantive matter in the Land and Environment court – a very significant reduction compared to eighteen months prior.

ATTACHMENTS

- 1) Summary of Legal Matters 2006 to 2008

**ATTACHMENT 1
SUMMARY OF LEGAL MATTERS 2006 TO 2008**

Category/Legal Matter	Status/Comments 06/07 & 07/08 financial years
Illegal Access – Divers Luck Winery <u>Class 4</u> Illegal Use – Blue Lagoon Village <u>Class 4</u> Non-compliance – Dream 510 Pty Ltd <u>Class 4</u> Illegal Use – Hay <u>Class 4</u> Unauthorised Building Works – Tannous <u>Class 4</u> Non-compliance – Taylor <u>Class 4</u> Development <u>Appeal</u> – Profilio <u>Class 1</u> DA Objection – Chan Industrial <u>Class 4</u> Development <u>Appeal</u> – Lawrence Waterhouse (Salt Ash) <u>Class 1</u> DA Objection – Lawrence Waterhouse (Nelson Bay) <u>Class 1 & 4</u> Development <u>Appeal</u> – Lawrence Waterhouse (Nelson Bay) – appeal on action above) <u>Class 4</u> Development <u>Appeal</u> – Mahogany Ridge Devp’s P/L <u>Class 1</u> Development <u>Appeal</u> Motorplex Australia <u>Class 1</u> Development <u>Appeal</u> – Mudie <u>Class 1</u> Development <u>Appeal</u> – Pindimar Bundabah Community Assoc <u>Class 1</u> Development <u>Appeal</u> – Sansom <u>Class 4</u> Development <u>Appeal</u> – Tannous	<p>Successful action – Costs Awarded to Council. Costs recovery continued into next financial year.</p> <p>Successful action. Consent Orders. Costs recovery continuing.</p> <p>Successful action. Unauthorised use ceased. Costs awarded to Council. Costs recovery continued into next financial year.</p> <p>Matter ongoing into next financial year period 2008/09.</p> <p>Matter ongoing into next financial year.</p> <p>Matter completed during this period.</p> <p>Matter completed. Costs recovery continued into next financial year period but resolved in that period 07/08.</p> <p>Matter discontinued by consent. Costs paid to Council.</p> <p>Matter ongoing into next financial year.</p> <p>Proceedings dismissed. Costs awarded to Council. Costs recovery continued into next financial year.</p> <p>Matter ongoing.</p> <p>Proceedings dismissed. Costs awarded to Council. Costs recovery continuing.</p> <p>Costs Awarded to Council and presently being pursued.</p> <p>Matter completed in 07/08 period. DA refused by Land & Environment Court.</p> <p>Matter discontinued.</p> <p>Appeal on costs unsuccessful – settlement of same underway.</p> <p>Matter ongoing into next financial year period</p>

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2008

<u>Class 1 & Class 4</u> Development <u>Appeal</u> – Ryan <u>Class 1</u> Development <u>Appeal</u> – Le Mottee Project Mngmt (Hallorans Way) <u>Class 1</u> Development <u>Appeal</u> – GWH Building <u>Class 1</u>	but resolved in that period 07/08. Matter completed in 07/08 period. Appeal upheld. Matter ongoing in 07/08 period. Matter discontinued by consent.
Development <u>Appeal</u> – Expoe x 2 matters <u>Class 1</u>	Matters discontinued by consent.

Source:

Port Stephens Council Cockpit charts, annual reports of council and the summary of costs on the Authority system.

NOTICES OF MOTION

NOTICE OF MOTION

ITEM NO. 1

FILE NO: A2004-0217; A2004-0516

CONSTRUCTION OF A CROQUET COURT AT RAYMOND TERRACE

COUNCILLOR: JOSH HODGES

THAT COUNCIL:

- 1) That Council investigate a site adjacent to the new Raymond Terrace Senior Citizens and Community Centre in Boomerang Park to construct a Croquet Court to provide sporting diversity to our senior community.
-

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

239	Councillor Hodges Councillor Jordan	It was resolved that the recommendation be adopted.
------------	--	--

BACKGROUND REPORT OF: JASON LINNANE, RECREATION SERVICES MANAGER

BACKGROUND

The concept of croquet courts at Raymond Terrace undoubtedly has merit, however this requires some detailed consideration for reasons given below.

Council officers are unaware of the existence of a croquet club at Raymond Terrace which is an important factor in the provision of sport facilities. Clubs usually need to be sustainable in membership numbers and financially. For example, the Nelson Bay Croquet Club operated out of various bowling clubs for many years and were able to contribute financially to the development of the new facility at the Tomaree Sports Complex.

The 2 court croquet facility recently completed at Tomaree Sports Complex cost approximately \$160,000. Nelson Bay Croquet Club are an active club that are experiencing growth in membership and are undertaking activities such as working in conjunction with the schools to become involved in senior sport, providing coaching and other practices to ensure a sustainable income. The club is also responsible for the maintenance of the courts themselves as it requires specialised equipment for grass heights etc. Council also provides advice and expertise to the Club.

At present this project is not included in the Raymond Terrace Sport Development Strategy (SDS) and this is the first step to be taken for the facility to be considered. Opportunity for it to be added exists at the October Sports Council meeting. All new projects need to be endorsed by the local sport community through Sports Council before it can added to the SDS.

Our community & Recreation Facilities Standards provide a guide to the provision of various sport facilities. The current standards indicate 1 court for every 40,000 people. They are also considered more of a regional facility with existing croquet facilities at Maitland, Nelson Bay (2 courts) & Newcastle. Whether or not Boomerang Park is the preferred location also needs consultation with the community.

However, as our population ages we do need to consider the provision of more active sport facilities such as croquet courts to meet this sector's recreational demands into the future.

NOTICE OF MOTION

ITEM NO. 2

FILE NO: A2004-0217; PSC2005-3926

CONSTRUCTION OF RAYMOND TERRACE SENIOR CITIZENS CENTRE

COUNCILLOR: JOSH HODGES

THAT COUNCIL:

- 1) That Council expedite the funding and construction of the New Raymond Terrace Senior Citizen Centre to be located in Boomerang Park.
-

BACKGROUND REPORT OF: PHILIP CROWE, COMMUNITY & LIBRARY SERVICES MANAGER

BACKGROUND

Plans for the new Raymond Terrace Senior Citizens Centre were submitted to Council's Building & Development Section for the issuing of a Construction Certificate in mid July 2008 and we are now awaiting the issuing of the Construction Certificate. The Structures Project Section is currently completing final detail drawings for tender contracts. Once the Construction Certificate is issued a final estimated cost will be calculated and a review of the Capital Works budget will be undertaken.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

240	Councillor Hodges	It was resolved that the recommendation be adopted.
------------	--------------------------	--

NOTICE OF MOTION

ITEM NO. 3

FILE NO: A2004-0217 PSC2005-3939

ESTABLISHING A MEN'S SHED IN RAYMOND TERRACE

COUNCILLOR: GLENYS FRANCIS

THAT COUNCIL:

- 1) Investigate the possibility of establishing a Men's Shed Group in the Raymond Terrace area. This to encompass opportunities for a support group to establish this group.
-

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

241	Councillor Francis	It was resolved that the recommendation be adopted.
-----	--------------------	---

BACKGROUND REPORT OF: TREVOR ALLEN – INTEGRATED PLANNING MANAGER

BACKGROUND

During the last decade or so a wide range of community based Men's Sheds have been established throughout Australia. These sheds provide males in the community who for example may be either unemployed, retired and/or isolated with access to their own communal space (ie; shed). The sheds act as comfortable, safe and secure spaces where males can share stories, problems, have a yarn, exchange ideas, be mentored and can participate in skill building activities and labour market training programmes (eg; horticulture, furniture restoration etc).

According to the Australian Men's Sheds Association; the common theme in all Sheds is about men feeling useful and contributing again to their communities, learning or sharing their skills, making friends, networking and availing themselves of health information programmes and opportunities. Men's Sheds are under the auspices of a variety of organisations whose ethos they tend to exemplify. Research has shown *that "Already a lot of sheds are restoring toys and furniture as part of their activities, associations with recycling centres is an advancement on this existing concept"*. Port Stephens is currently serviced by a men's shed at Salamander Bay within the existing 'Refused and Reused Recycling Centre'.

Despite the proliferation of men's sheds over the last 10 years, a number have closed as their ongoing operations were not sustainable. Therefore whilst the establishment of a Men's Shed in Raymond Terrace would help assist in meeting the well-being of a number of male residents, it is imperative that any model developed for Raymond Terrace have an appropriate business plan and auspice to ensure its long term social and financial viability as has been the case with the Salamander Bay model.

NOTICE OF MOTION

ITEM NO. 4

FILE NO: PSC2005-3640 A2004-0217

SEALED TOWN CENTRE PARKING IN RAYMOND TERRACE

COUNCILLORS: KEN JORDAN AND JOSH HODGES

THAT COUNCIL:

- 1) Allocate \$147,000 currently in the S94 Raymond Terrace Town Centre Car Park Fund or other appropriate S94 plan for the formal creating of sealed town centre parking located adjacent to the Raymond Terrace Netball and Tennis Courts.

The allocation of these funds would enable car parking to be provided for shop employees throughout the Raymond Terrace CBD during weekday trading and structured car parking for the users of the sporting facilities on evenings and weekends.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

242	Councillor Jordan Councillor Hodges	It was resolved that the recommendation be adopted.
------------	--	--

BACKGROUND REPORT OF: MIKE TRIGAR – GROUP MANAGER, FACILITIES AND SERVICES

BACKGROUND

The sealing of both the Raymond Terrace Netball and Tennis Courts are listed in Council's approved Forward Works Plan although little funding currently exists for either of these projects. Around \$147,000 currently exists in the S94 Raymond Terrace Town Centre Car Park Fund, some of which is scheduled for use in a study of future CBD parking needs.

A portion of these S94 funds plus other funds from appropriate S94 plans can be either borrowed or transferred subject to existing S94 legislation and or resolution by Council if required.

NOTICE OF MOTION

ITEM NO. 5

FILE NO: A2004-0217 PSC2007-2449

INDOOR HEATED POOL

COUNCILLORS: JOSH HODGES AND BOB WESTBURY

THAT COUNCIL:

- 1) That Council investigate the feasibility for the provision of a indoor heated and hydrotherapy (non-medical) pool to cater for the Port Stephens population
-

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

243	Councillor Hodges Councillor Westbury	It was resolved that the recommendation be adopted.
------------	--	--

**BACKGROUND REPORT OF: JASON LINNANE – RECREATION SERVICES
MANAGER**

BACKGROUND

Council staff are currently in the process of preparing a Capital Investment Program for all three (3) pool sites. A draft will be available in November 2008. The provision of a indoor heated and hydrotherapy pool will be considered as part of this program.

The draft program will be reviewed by the Leisure Centre Working Party prior to being finalised.

NOTICE OF MOTION

ITEM NO. 6

FILE NO: A2004-0217

CREATE A MASTERPLAN FOR ROSS WALLBRIDGE PARK

COUNCILLOR: JOSH HODGES

THAT COUNCIL:

- 1) That Council start a master planning process for Ross Wallbridge Park (Duck Pond Park), including the provision of BBQ's and Picnic facilities, open play areas for ball games and a Child Friendly playground, a structured duck pond, public amenities and walking tracks.

A master plan for Ross Wallbridge Park will provide diversity in open space for families in the western parts of the Port Stephens LGA.

ORDINARY MEETING – 26 AUGUST 2008

RESOLUTION:

244	Councillor Hodges	It was resolved that the recommendation be adopted.
------------	--------------------------	--

BACKGROUND REPORT OF: MIKE TRIGAR – GROUP MANAGER, FACILITIES AND SERVICES

BACKGROUND

The master planning for Ross Wallbridge Park has not proceeded to date for a number of reasons. First, the development of Ross Wallbridge Park as an active recreational area as outlined above has been seen as problematic given that there is existing drainage issues for the area itself that are compounded by the current stormwater retention basin and topography.

Second, while some improved local facilities may be warranted after due master planning, the improved use of the river foreshore nearby is currently favoured. Therefore the installation of a number of the items listed above may be better placed on the foreshore at this stage. The foreshore development can potentially serve a local and sub-regional population.

Another option for Ross Wallbridge Park following master planning may even be for the area to be enhanced as a passive "urban" bushland area.

A number of other documents can also inform the potential future use of this park including the draft Asset Management Plan for Play Spaces and Council's Child Friendly Strategy.

MINUTES FOR ORDINARY MEETING – 26 AUGUST 2008

I certify that all pages of the Ordinary Minutes of Council dated 26th August 2008 were confirmed by Council at its meeting held on 21 October 2008.

.....
Cr Ron Swan
MAYOR